

MEMORANDUM

DATE: August 19, 2022
TO: Mayor Lankford & City Council
VIA: Mercy Rushing, City Manager
FROM: Doris Newman, Historic Preservation Officer
SUBJECT: Certificate of Appropriateness Application for Demolition of 303 North Johnson Street

Background

An application for a Certificate of Appropriateness was submitted by Bill Self, the chairman of the First Baptist Church Property and Space Committee to the Mineola Landmark Commission on June 15, 2022 requesting approval to demolish the house at 303 N. Johnson Street – formerly the home of David Kitchens, the owner of Kitchens Hardware and his wife Rosamond, a Mineola Junior High School teacher. (See application).

The house does not have any local, state or national historical designation.

As the application states, the lower portion trees and bluebonnets will remain. Mr. Self also submitted numerous photos of the interior which included the knob and tube wiring, photos of different rooms showing water stains on the ceiling, sagging of the ceiling, peeling of paint, what appears to be damage to walls, and disrepair of the kitchen and bathroom. I also provided the Landmark Commission exterior photos to give them a bearing of the location.

On July 7, 2022, seven members of our nine-member Commission were present, Chairman Jim Phillips, Vice Chairman Joyce Williams (arriving partially through Mr. Self's explanation), Secretary Martha Holmes, Cle Walton, Crystal Hudson, Steve Brooke and Mike Love. Mr. Self said that the house had fallen into a state of disrepair and the church had spent \$3,500 - \$4,000 about six years ago (approximately \$1,000 each month it was being lived in) to make it habitable for their previous Music Minister Steven Dotson and his wife. Since they moved out, it has been empty and deteriorating and costing the church money to keep the property presentable. The house used to be used to store supplies for an orphanage in the valley, he said.

This is a residential property so legally due to property rights neither staff or volunteers can enter inside without permission from the owner unless they have a solid reason, such as complaints for health and safety of nearby residents, which we did not receive.

The church has been told it would cost over \$100,000 to bring it to the state to be in good shape again. Mr. Self had pointed out that the church can not be income producing, and therefore does not need or want to make it a rental property. The church needs the space for parking and storage, he told the commission. The roof is leaking, porches falling in. The church also owns the property to the west of the Kitchens property on Blair Street, and the two properties would be used for parking and storage. Components of the heating and air conditioning system will be donated to Mineola High School CTE to be used in their classes for practice. The fireplace mantle and mirror above it will be displayed inside the church building with a plaque telling where it came from. Stage 1 would be to bring the house down and build the parking lot. Stage 2 would be a second parking lot on the west property. He said the

entrance to the parking would be via the alley from the back. When asked if anything would be done for drainage, he said a gravel base would probably be used to begin with. Jim Phillips asked the possibility of a plaque being placed on the remaining lower level on the southwest side with a photo of the house and telling its story. Mr. Self said it would not bother them for the Commission to put up a plaque.

The house is of Medium historic value, according to our 2021 Historic Resources Survey performed by Mead & Hunt. In the original Historic Resources Survey of Mineola by Newlan Knight and Associates, in 1998, 303 N. Johnson Street is not listed at all among the resources. In the survey performed by Mead & Hunt in 2009, it was listed as Medium historic priority. Domestic, Side gable, Bungalow. No Photos. Circa 1930, brick. No photo or supplemental information were included with either decade's listing.

In our updated bylaws Ordinance No. 20-04-27-2, which amends Ordinance Number 94-8-8, Section 5 Certificate of Appropriateness Application Procedure, Section (C) states "The Historical Landmark Commission shall take into consideration the current needs of the property owners, the architectural significance of the property and shall be sensitive to the property owner's financial conditions."

Also, under Section 6 Demolition Permit, it states "The Historic Landmark Commission shall review the application within 60 days, during which time it shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness," among other things such as purpose behind preserving it as a landmark, etc.

With these things in mind, I did explain in the July 7 Landmark Commission meeting that due to the fact the church does not need the house, they do need the parking lot, the house was in bad condition and repair would be costly, that if we voted to deny the application we would need to be able to give a reason. After a long silence, a motion to approve the request was made, it was seconded and a vote was held. Four members voted in favor of approving it, with regret, and three board members abstained from the vote.

I received information from the Texas Historical Commission that the passage of House Bill 2496 removes properties currently owned by religious organizations from the demolition review process. (See attachment link to text of bill and City of Austin's succinct explanation.)

The house at 303 N. Johnson, despite its connection to prominent local residents who did affect our town's history, has not been included as a contributing property in any study.

RECOMMENDATION: The City of Mineola has an ordinance, under which the First Baptist Church Property Committee demonstrated that the cost of repair would not be reasonable and repairing it would not meet their needs, meeting some of the criteria for approval. While we regret seeing this property go down, the church is the rightful owner of this property. The Landmark Commission voted four in favor of the request and three abstaining. Due to the law passed (see attached) in 2019 and sent to us this week from the Texas Historic Commission, no further action is necessary.



CITY OF MINEOLA TEXAS

HISTORIC LANDMARK COMMISSION

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR HISTORIC OVERLAY DISTRICT/REGISTERED HISTORIC PROPERTIES

A Certificate of Appropriateness is required for properties within the designated **Historic Overlay Districts/Registered Historic Properties in the City of Mineola** for alteration, remodeling, restoration, additions, new construction, outdoor sign, and demolition visible from any adjacent street, to any portion of the exterior of main buildings. This certificate must be granted before the City will issue any permits. The certificate is required, whether or not a building permit or other permit is required.

The review process may take up to 60 days after receiving completed application.

INSTRUCTIONS: Please type or print legibly. Submit with exhibits listed below, as appropriate

Name of property owner: First Baptist Church - Mineola

Address of owner: 204 N Johnson Street, Mineola

Address of Building: 303 N Johnson Street, Mineola

Telephone/Email: 903-569-3873 / pcasper@fbcmineola.org

Name, address, telephone and email of applicant if different from owner:

Bill Self, Chairman of FBC Property and Space Committee

220 CR 2426, Mineola

903-316-3200

bill.self21@gmail.com

Historical Designation(s) of Property (if any): RTHL (Registered Texas Historic
Landmark)

 National Landmark Local Landmark Designation Main Street District
 X Historic Overlay District National Register Downtown District

This application is for property located at (legal description):

303 N Johnson Street, Mineola, TX

DESCRIPTION OF PROPOSED WORK (attach additional paper if needed):

The brick structure at 303 N Johnson will be demolished and all brick, concrete, and wooden materials removed from the premises. All trees on the upper / raised portion of the property will be cut and removed. The contractor is Joe Carr Construction. *Lower portion trees and bluebonnets will remain.*

Approximately how long will it take to complete the proposed work?

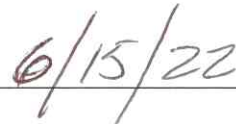
According to the contractor, once work begins the job will be completed in three days.

The following exhibits are required, depending on type of work proposed: Current street side photograph(s) of property and location of proposed alterations; amateur or architectural drawing(s) or building plans showing the proposed alterations; awning or canopy fabric samples; and sign permit application.

- See attachments.



Signature of applicant



Date

PLEASE SUBMIT ALL APPLICATION PRIOR TO BEGINNING ANY WORK FOR APPROVAL TO CITY OF MINEOLA LANDMARK COMMISSION AT 300 GREENVILLE HWY., CITY HALL-MINEOLA TX. YOU MAY EMAIL THE INFO AS WELL TO: mainstreet@mineola.com and mrushing@mineola.com, phone number 903-569-6183 ask for Doris Newman or Mercy Rushing.

Legal framework

In the U.S., historic preservation is recognized as a valid public purpose for lawmaking. The first preservation ordinance was passed in New Orleans in 1925, with Charleston following in 1931.

Preservation had its first major legal test nearly 50 years later. In 1978, Penn Central Transportation Co. v. New York City considered whether the city could prevent Penn Central from demolishing much of Grand Central Terminal to construct an office building above it. The Supreme Court upheld preservation as a goal and the local ordinance as a way of supporting that goal.

In Texas, local authority to designate and protect historic places comes from enabling legislation in Texas Government Code [Chapter 211](#), Municipal Zoning Authority. State law recognizes the importance of “protecting and preserving places and areas of historical, cultural, or architectural importance and significance.”

Two recent changes to this state law impact how the City of Austin operates its preservation program.

Increased power for non-supportive property owners

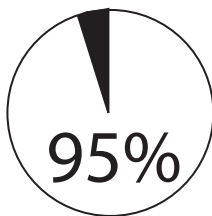
In 2019, [House Bill 2496, 86 \(R\)](#) began requiring supermajority approval for historic landmark designation over a property owner’s objection. This means that if an owner opposes designation, both the Historic Landmark Commission and City Council must approve it by a $\frac{3}{4}$ vote, or 9 of 11 members (a supermajority).

No properties have received historic zoning over an owner objection since the bill passed. Of the three properties for which historic zoning was initiated as a

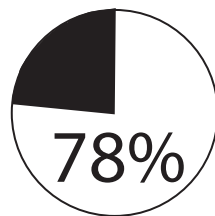
result of a demolition or relocation application in 2020 (p. 4), two gained owner support.

In 2021, [Senate Bill 1585, 87 \(R\)](#) extended the supermajority requirement to historic districts. If even a single owner objects to the inclusion of their property in a historic district, the entire district must be approved by a $\frac{3}{4}$ vote of both the Historic Landmark Commission and City Council. Properties at the edge of a district may be excluded, but “donut holes” in the middle of a district are not allowed.

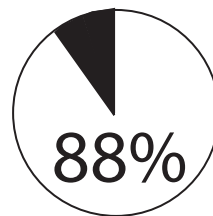
BALLOTS CAST IN SUPPORT



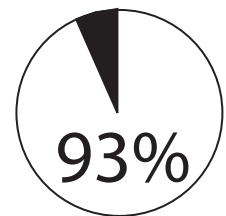
Aldridge Place Historic District (2017)



Smoot/Terrace Park Historic District (2018)



Robertson/Stuart & Mair Historic District (2019)



Rogers Washington Holy Cross Historic District (2020)

Other legal changes

HB 2496 also removes properties currently owned by religious organizations from the demolition review process. Cities must have the consent of a religious organization to designate their property as historic. If sold, religious properties proposed for demolition are referred to the Historic Landmark Commission.

[Senate Bill 398, 87 \(R\)](#) prohibits cities from restricting the installation of solar panels. This means the Historic Landmark Commission no longer has authority to ask that solar panels be placed in less visible locations, such as the rear roof slope or on a detached accessory building, rather than on the front of a historic landmark.

ORDINANCE NUMBER 20-04-27-2

AN ORDINANCE FOR THE CITY OF MINEOLA, TEXAS AMENDING ORDINANCE NO. 94-8-8, HISTORIC DISTRICTS AND LANDMARK ZONING ORDINANCE; PROVIDING AMENDMENTS TO SAID ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 8, 1994 the City Council for the City of Mineola, Texas passed Ordinance No. 94-8-8, Historic Districts and Landmark Zoning Ordinance; and

WHEREAS, the City Council revised Ordinance No. 94-8-8 on two separate and subsequent occasions, those being June 22, 1998 and December 18, 2000, respectively; and

WHEREAS, the City Council now finds it necessary to amend Ordinance No. 94-8-8 and is empowered to do so pursuant to Texas Local Government Code Chapter 211.001, *et seq.*

NOW, THEREFORE, be it ORDAINED by the City Council for the City of Mineola, Texas as follows:

I. Amendments

- Section 2: Historic Landmark Commission shall be amended as follows:
 - (a) The Historic Landmark Commission shall consist of nine (9) persons to be appointed by the City Council of the City of Mineola, Texas who have demonstrated an interest in the history of Mineola. All members must be eligible to vote within the Mineola Independent School District.
 - (g) Any member who misses three (3) consecutive meetings without advance notification to the Chairman or Historic Preservation Officer will be replaced.
 - (i)(11) – This subsection shall be removed.
 - (j) The Historic Landmark Commission shall set meeting times and dates by majority vote of the Board Members. Special meetings may be called at any time by the Chairman, Historic Preservation Officer, or on the written request of any two (2) Historic Landmark Commission Board Members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code Chapter 551.001, *et seq.*, and any and all applicable Ordinances of the City of Mineola.
- Section 3: Designation of Landmarks or Historic Districts shall be amended as follows:
 - (b) The last sentence of paragraph 2 of subsection (b) shall be amended as follows: The City Council shall give notice, follow the publication procedure, hold hearings and

make its determination as required by law within forty-five (45) days of receipt of such recommendation.

- Section 5: Certificate of Appropriateness Application Procedure shall be amended as follows:

(c) The Historic Landmark Commission shall take into consideration the current needs of the property owners, the architectural significance of the property and shall be sensitive to the property owner's financial conditions.

(d) The Historic Landmark Commission shall take action on the completed application within sixty (60) days from receipt of the completed application, at which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within sixty (60) days of the date of the application.

(f) All decisions of the Historic Landmark Commission shall be in writing and shall be sent to the applicant and a copy filed with the City Secretary's office for public inspection. The Historic Landmark Commission shall state the reasons for denying or modifying any application. If denied, no further obligation shall be upon the landowner under this ordinance in regards to the proposed construction. However, all other City ordinances must be adhered to.

(g) If the Historic Landmark Commission has not made a final decision within sixty (60) days, a Certificate of Appropriateness shall be deemed issued by the Historic Landmark Commission.

- Section 7: Certificate of Compliance shall be amended as follows:

Any and all references within Section 7 to "City Administrator" are hereby amended to "City Manager."

- Section 8: Ordinary Maintenance shall be amended as follows:

Any and all references to "City Administrator" are hereby amended to "City Manager."

- Section 9: Demolition by Neglect shall be amended as follows:

The first paragraph shall be amended as follows: The reference "without requesting a Demolition Permit" shall be deleted.

The second paragraph shall be amended as follows: The reference to "by registered mail" shall be deleted.

(d) "Deterioration of Crumbling" shall be amended to "Deterioration or Crumbling."

(g) shall be amended as follows: "Deterioration of Structural Elements or Shell."

II. Severability

Should any provision of this Ordinance be held invalid, illegal or unconstitutional by any court or tribunal having jurisdiction, said finding shall not affect the remaining provisions found herein.

III. Repealer

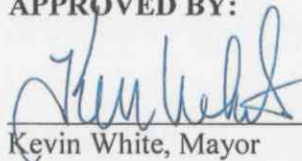
Should any provision of any prior Ordinance of the City be in conflict with any provisions of this Ordinance, said prior provision is hereby repealed to the extent of said conflict. However, all such provisions not in conflict with one another shall remain in full force and effect.

IV. Effective Date

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council, City of Mineola, Texas, on this 27th day of April, 2020.

APPROVED BY:



Kevin White, Mayor

ATTEST:



Cindy Karch, City Secretary

ORDINANCE No. 94-8-8

**HISTORIC DISTRICTS AND LANDMARK
ZONING ORDINANCE**

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS CREATING THE MINEOLA HISTORIC LANDMARK COMMISSION: DESCRIBING THE MEMBERSHIP THEROF; PROVIDING FOR THE DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS; CREATING THE REQUIREMENTS OF OBTAINING A CERTIFICATE OF APPROPRIATENESS OF DEMOLITION PERMIT; PROVIDING FOR TAX ABATEMENT; PROVIDING FOR THE ENFORCEMENT THEREOF; CONTAINING A PENALTY CLAUSE AND A SEPARABILITY CLAUSE AND PROVIDING FOR THE PUBLICATION THEREOF.

WHEREAS, Section 211.001 et. Sec. Of the Texas Local Government Code authorizes the City Council of the City of Mineola to:

Protect and Preserve places and areas of Historical and Cultural importance and significance and to Designate places of Historic and Cultural importance, and to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures to maintain heritage and property values.

Section 1. PURPOSE

The City Council of the City of Mineola does hereby declare that as a matter of public policy the protection, enhancement, and perpetuation of districts and landmarks of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historical resources of the City of Mineola represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually and these resources constitute the heritage of the Citizens of Mineola. This act is intended to:

- (a) Perpetuate, protect, enhance and preserve the historic districts and landmarks which represent distinctive elements of Mineola's historic, architectural, social, and economic, ethnic, and political heritage and to develop appropriate settings for such places;
- (b) to safeguard the City's historic and cultural heritage, as embodied and reflected in such historic landmarks, by application of appropriate procedures;

- (c) to stabilize and improve property values in such locations;
- (d) to foster civic pride in the beauty and accomplishments of the past, and to promote the use of historic landmarks for the cultural prosperity, education and general welfare of the people of the City of Mineola;
- (e) to strengthen the economy of the City and to protect and enhance the City's attractions to tourists and visitors, as well as provide support and stimulus to business and industry;
- (f) to provide assistance to property owners and tenants as well as civic organizations, concerned with historic preservation;
- (g) to provide property owners opportunity to reject Historic Landmark designation by written request to the Historic Landmark Commission and to the City Council. This request is subject to a sixty (60) day review by the Historic Landmark Commission before it becomes effective and no penalties apply within a Historic District, appeals to reject shall be handled as provided in Section 5 (f)

Section 2: HISTORIC LANDMARK COMMISSION

There is hereby created a commission to be known as the Mineola Historic Landmark Commission.

- (a) The Historic Landmark Commission shall consist of nine (9) persons to be appointed by the City Council of the City of Mineola as follows:

Five (5) members shall have demonstrated an interest in the history of Mineola.

Two (2) members shall be property owners representing one or more of the historical districts.

Two (2) members shall be an active member of other Mineola Historic Organizations.

Ex-officio members shall include:

One (1) representative from the Planning and Zoning Commission.

The City of Mineola Historical Preservation Officer.

- (b) All historic Landmark Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Mineola.
- (c) The Historic Commission as a whole shall represent the ethnic makeup of the City of Mineola.
- (d) Historic Landmark Commission members shall serve for a term of three (3) years, with appointments being staggered. The staggered terms shall be as follows: Beginning with the first appointments occurring after the adoption of this Ordinance four (4) members being appointed the first year, three (3) members being appointed the second year and two (2) members being appointed the third year after which the process repeats itself.
- (e) The Chairman, Vice Chairman, and Secretary of the Historic Landmark Commission shall be elected by and from the members of the Historic Landmark Commission.
- (f) The Mayor and City Council shall appoint a city staff person as the Preservation Officer for the City of Mineola for the purpose of maintaining communication with the Texas Historical Commission.
- (g) Any member who misses three (3) consecutive meetings will be replaced, except when excused by Chairman of the Board.
- (h) Eligibility for board members are subject to Mineola Code of Ordinance.
- (i) The powers of the Historic Landmark Commission shall include:
 - (1) preparation of rules and procedures as necessary to carry out the business of the Historic Landmark Commission;
 - (2) recommend adoption of criteria for the identification of historic, architectural, and cultural landmarks, and the delineation of historic districts;
 - (3) conduct surveys and maintain, update an inventory of historic, architectural, archaeological, cultural landmarks and historic districts of Mineola;
 - (4) recommend the designation of resources as landmarks and historic districts;
 - (5) create committees from among its membership;

- (6) maintain written minutes which record all actions taken by the Historic Landmark Commission and the reasons for taking such actions;
 - (7) recommend conferral of recognition upon the owners of landmarks or within districts by means of certificates, plaques, or markers;
 - (8) increase public awareness of the value of historic, cultural, and architectural preservation by developing, participating in public education programs;
 - (9) make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within Mineola;
 - (10) approve or disapprove applications for certificates of appropriateness pursuant to this act;
 - (11) propose tax abatement program(s) for historic landmarks or structures, or rehabilitations;
 - (12) prepare specific design guidelines for the review of landmarks and historic districts;
 - (13) shall review informally annually the conditions of the properties and possible future needs.
- (j) The Historic Landmark Commission shall set meeting time and dates by majority vote of the Board Members. Special meetings may be called at any time by the Chairman, Preservation Officer, or on the written request of any two (2) Historic Landmark Commission Board Members. All meetings shall be held in conformance with the Texas Open Meeting Act, Texas Civil statutes, Article 6252-17.
- (k) A quorum for the transaction of business shall consist of the majority of the voting board of the Historic Landmark Commission.
- (l) A majority of the voting members present will constitute an official vote for the working mechanics of the Historic Landmark Commission, but a minimum of five (5) affirmative votes will be required to grant a Certificate of Appropriateness.

- (m) The Historic Landmark Commission shall serve at the pleasure of, be Appointed by, and shall be held accountable and governed by the City Council of the City of Mineola;

Section 3. DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS

- (a) The City Council may designate by zoning ordinance certain buildings, Sites, structures, and objects as historic landmarks, if requested by owner, and certain areas as historic districts. Such landmarks and districts shall bear the words Historic Planned Development "HPD" in their zoning designation.
- (b) The Historic Landmark Commission may recommend to the Planning and Zoning Commission and the City Council a building, site or structure to be designated a landmark. Property owners of a proposed landmark or within a proposed historic district shall be notified prior to the Historic Landmark Commission's hearing on the designation. At the Historic Landmark Commission's public hearing, the City Council, owners, and interested parties may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark or district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing.

This Historic Landmark Commission shall make its recommendation on the proposed historic landmark or district to the Planning and Zoning Commission shall give notice, conduct its hearing, and make recommendations to the City Council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Mineola, within forty-five (45) days of receipt of such recommendation. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination as required by law within five-five (45) days of receipt of such recommendation.

Upon designation of an area as a historic landmark or district, the designation shall be recorded in the Official Public Records of Real Property of Wood County, the tax records of the City of Mineola, and the official zoning maps of the city of Mineola. All zoning maps should indicate historic landmarks and districts which shall be identified as "HPD" Historic Planned Development overlay district shall meet the requirements of this ordinance and the general zoning ordinances of the City of Mineola.

A historic landmark or district may be designated if it:

- (1) possesses significance in history, architecture, archeology, or culture of the city, state, nation.
 - (2) is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) is associated with the lives of persons significant in our past.
 - (4) embodies distinctive characteristics of a type, period, or method of construction.
 - (5) represents the work of a master designer, builder, or craftsman.
 - (6) represents an established and familiar visual feature of the City of Mineola.
- (c) The Historic Landmark Commission may recommend a district or individual landmarks to the City Council if it:
- (1) Contains properties, which meet one or more of the criteria for designation of a landmark.
 - (2) Constitutes a district section of the City of Mineola.

The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the City Secretary's office for public inspection.

Individual historic landmark designation is based on the same criteria as that used by the National Register of Historic Places.

Section 4. CERTIFICATE OF APPROPRIATENESS FOR ALTERATION OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS

No person shall carry out any exterior alteration, restoration, reconstruction, new construction or moving of a landmark, or property within a historic district, nor shall any person make any change in the appearance of such a property, its colors, light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of the historic landmark or district, without first applying for a Certificate of Appropriateness from the Historic Landmark Commission.

Section 5. CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE

- (a) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the Historic Landmark Commission. The Historic Landmark Commission shall, if requested, aid the property owner in preparation and completion of the application. The application form shall request the following:
- (1) name, address, telephone number of applicant, detailed description of proposed work.
 - (2) location and photographs of the property and adjacent properties (historical photographs also may be helpful).
 - (3) elevation drawings of the proposed changes.
 - (4) samples of materials to be used, to include paint samples and information of any materials to be used that differ from existing or original materials.
 - (5) if the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
 - (6) site plan if site modifications are requested.
 - (7) No Synthetic- unless 50 years of age.
 - (8) any other reasonable information, which the Historic Landmark Commission may deem necessary in order to visualize the proposed work.
- (b) **No building permit shall be issued until application for Certificate of Appropriateness has been reviewed and acted upon by the Historic Landmark Commission.** The certificate of Appropriateness **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 Mineola. The "Secretary of the Interior's Standards for Historic Rehabilitation" shall be used as a standard reference by the Historic Landmark Commission for the review of each application.
- (c) The Historic Landmark Commission shall take into consideration the current needs of the property owners, and shall be sensitive to the property owner's financial condition.

- (d) The Historic Landmark Commission shall take action on the completed application within twenty-one (21) days from receipt of the completed application, at which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within fourteen (14) days of the date of application.
- (e) No change shall be made in application of any building permit after issuance of a Certificate of Appropriateness without resubmitting to the Historic Landmark Commission and approval thereof in the same manner as provided above.
- (f) All decisions of the Historic Landmark Commission shall be in writing and shall be sent to the applicant (by registered mail) and a copy filed with the City Secretary's office for public inspection. The Historic Landmark Commission shall state the reasons for denying or modifying any application. If denied, no further obligation shall be upon the landowner under this ordinance in regards to the proposed construction. However, all other City ordinances must be adhered to.
- (g) If the Historic Landmark Commission has not made a final decision within thirty (30) days, a Certificate of Appropriateness shall be deemed issued by the Historic Landmark Commission.

Section 6. DEMOLITION PERMIT

A permit for the demolition or relocation of a historic landmark, or property within a historic district, shall not be granted by the City of Mineola without the review of a completed application by the Historic Landmark Commission.

The Historic Landmark Commission shall review the application within sixty (60) days, during which time it shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, the purposes behind preserving the structure as a historic landmark, the character of the neighborhood, and all factors it finds appropriate. If the Historic Landmark Commission determines that, in the interest of preserving historical values, the structure should be preserved, it shall notify the building owner that the application has been disapproved. If disapproved, no further obligation shall be upon the landowner under this ordinance in regards to the proposed demolition under consideration. However, all other City ordinances must be adhered to.

Section 7. CERTIFICATE COMPLIANCE

All work performed pursuant to a certificate of Appropriateness issued under this ordinance shall conform to all requirements include herein. It shall be the duty of the City Administrator and the Electrical Code Inspector to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Historical Landmark Commission, or such work shall contained herein, the City Administrator shall issue a stop work order and all work shall immediately cease. Not further work shall be undertaken on the project as long as a stop work order is in effect. A decision shall be made by the Historic Landmark Commission concerning the stop work order within forty-eight (48) hours, excluding weekends and holidays.

Section 8. ORDINARY MAINTENANCE

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance. In-kind replacement or repair is included in the definition of ordinance maintenance. The plan for cleaning of the exterior of a designated landmark shall be submitted to the Historic Landmark Commission for review when the means to be used may change the exterior of said building. The City Administrator shall be authorized to issue a stop work order if the owner's planned activity exceeds ordinary maintenance and repair. In this instance a decision concerning the need for a Certificate of Appropriateness shall be decided within forty-eight (48) hours, excluding weekends and holidays, by the Historic Landmark Commission. If a Certificate of appropriateness is deemed necessary, the standard rules for its procedures shall apply.

Section 9. DEMOLITION BY NEGLECT

No owner or person with an interest in real property designated as a landmark or included in a historic district shall permit the property to fall into a serious state of disrepair without requesting a Demolition Permit so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the historic Landmark Commission, produce a detrimental effect upon the character of the historic district as a whole, or the life and character of the property itself.

All recommendations of the Historic Landmark Commission shall be in writing and shall be sent to the applicant (by registered mail) and a copy filed with the City Secretary's office for public inspection. The Historic Landmark Commission shall state its reasons for recommendation. No further obligation

shall be upon the landowner under this ordinance in regards to the demolition by neglect. However, all other City ordinances must be adhered to.

Examples of such deterioration shall 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 of crumbling of exterior stucco or mortar,
- (e) ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors,
- (f) 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.
- (g) Deterioration of structural elements and the enclosing envelope.
- (h) Landscape features.
- (i) Deterioration of ornamental features.

Section 10. APPEALS

Any person aggrieved by a decision of the Historic Landmark Commission relating to a Certificate of Appropriateness or to Section 9 of this ordinance may, within fifteen (15) days of receipt of the written decision, file a written application with the City Council for review of the decision. The decision of the City Council shall be final.

Section 11. PENALTIES

Failure to apply for a Certificate of appropriateness or failure to apply for a Demolition Permit shall be deemed a violation and the violator shall be liable for a misdemeanor charge, and shall be subject to a fine of not less than ten (\$10) dollars and no more than two hundred (\$200) dollars for each day the violation continues. For the purpose of this ordinance, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provisions.

Section 12.

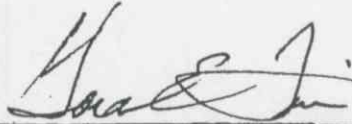
SEPARABILITY

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and application of such provision to other persons or circumstances shall not be affected thereby.

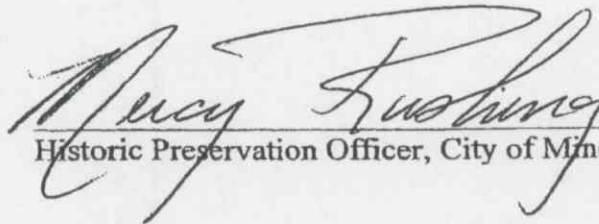
PASSED ON first Reading this 8th day of August, 1994.

Ordinance revised and passed this 22nd day of June, 1998.

Ordinance revised and passed this 18th day of Dec. 2000.

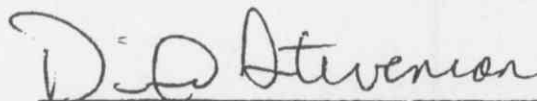


Mayor, City of Mineola



Historic Preservation Officer, City of Mineola

ATTEST:



City Secretary, City of Mineola