

## *6-200 DEFINITIONS FOR HISTORIC PRESERVATION AND LANDMARKS*

### **6-201 Abbreviations and Acronyms.**

- A. *Abbreviations.* The following abbreviations may be used within this Zoning Ordinance or other City resource materials in association with historic preservation and landmarks:
1. ac: acre
  2. ft: feet
  3. max: maximum
  4. min: minimum
  5. n.a.: not applicable
  6. sf: square feet
- B. *Acronyms.* The following acronyms may be used within this Zoning Ordinance or other City resource materials in association with historic preservation and landmarks:
1. ADA: Americans with Disabilities Act
  2. ADAAG: Americans with Disabilities Act Accessibility Guidelines
  3. BOA: Board of Adjustment
  4. CA: Certificate of Appropriateness
  5. CC&Rs: Covenants, Conditions and Restrictions
  6. CLG: Certified Local Government
  7. ETJ: Extraterritorial Jurisdiction
  8. GLO: Texas General Land Office
  9. HPO: Historic Preservation Officer
  10. H-POD: Historic Preservation Overlay District
  11. ML: Mesquite Landmark
  12. MLC: Mesquite Landmark Commission
  13. NHL: National Historic Landmark
  14. NHPA: National Historic Preservation Act
  15. NPS: National Park Service
  16. NRHP: National Register of Historic Places
  17. RTHL: Recorded Texas Historic Landmark
  18. ROW: Right-of-way

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19. SHPO: State Historic Preservation Office
  20. TAS: Texas Accessibility Standards
  21. TCEQ: Texas Commission on Environmental Quality
  22. TDLR: Texas Department of Licensing and Regulation
  23. THC: Texas Historical Commission
  24. TMSP: Texas Main Street Program

(Ord. No. 4738, § 6(Exh. D), 11-4-19)

## **6-202 Definitions.**

The rules of Section 6-101, regarding interpretation, construction and interchangeability of terms, shall be observed, except when the context requires otherwise.

**Definitions**—The following words, terms and phrases, when used in this Zoning Ordinance regarding historic preservation, Mesquite Landmarks (ML), H-PODs—Historic Preservation Overlay Districts and any other historic designations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

*Addition.* New construction added to an existing building or structure.

*Alteration.* Any act or process which changes the exterior architectural feature or any exterior feature of a building, structure, object, site or landscape, including, but not limited to, the erection, construction, reconstruction, restoration, demolition, removal or relocation of any building, structure, or object, or part thereof, excavation, or the addition of an improvement. Examples of alterations include: the changing to a different type, style or size of roofing or siding materials; changing, eliminating or adding doors, door frames, windows, window frames, shutters, fences, railings, columns, beams, walls, steps, porte cocheres, porches, balconies, signs or other ornamentation; the changing of paint color; dismantling, removing or moving of any exterior architectural feature, any exterior features, or demolition. Alterations shall not include ordinary repair and maintenance.

*Antiquities Code.* The Antiquities Code of Texas (the "Antiquities Code") was enacted in 1969 to protect archeological sites and historic buildings on public land. The Code requires state agencies and political subdivisions of the state, including cities, counties, river authorities, municipal utility districts, and school districts, to notify the Texas Historical Commission (THC) of ground-disturbing activity on public land and work affecting state-owned historic buildings. The law also established the designation of State Antiquities Landmark, which may be applied to historic buildings and archeological sites. The Antiquities Code is codified at Texas Natural Resource Code, Title 9, Chapter 191. The accompanying Rules of Practice and Procedure are codified at Texas Administrative Code, Title 13, Chapter 26.

*Applicant.* A person, or the person's designated and duly authorized agent or representative, seeking a designation or authorization associated with a Mesquite Landmark (ML) or an H-POD—Historic Preservation Overlay District. An Applicant may be any of the following: (1) the property owner of record, (2) the property owner of record's designated and duly authorized agent or representative, (3) An "owner" as defined in this section (which includes a Lessor or Lessee if responsible for payment of ad valorem taxes), (4) occupant of the property or site, (5) the Landmark Commission, or (6) the City Historic Preservation Officer (HPO).

*Appurtenant features.* The features that define the design of a building or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

*Archeological Significance.* A determination based on the following criteria:

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1. The site is associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad cultural patterns of U.S. history and from which an understanding and appreciation of those patterns may be gained; or
  2. The site is associated importantly with the lives of persons nationally significant in U.S. history; or
  3. The site represents some great idea or ideal of the American people; or
  4. The site embodies the distinguishing characteristics of an architectural type or specimen exceptionally valuable for a study of a period, style or method of construction, or that represents a significant, distinctive and exceptional entity whose components may lack individual distinction; or
  5. The site is composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively compose an entity of exceptionally historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
  6. The site has yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the U.S. Such sites are those which have yielded, or which may reasonably be expected to yield data affecting theories, concepts and ideas to a major degree.

*Archaeological Site.* A geographic location of the remains of prehistoric life or of historic human beings. These include but are not limited to, structures, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

*Architectural Feature and/or exterior architectural feature(s).* Any feature that helps give a building and/or structure its distinctive architectural character. Such character defining features include, but are not limited to, the color, architectural style, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, light fixtures, signs, columns, pilasters, cornice boards, brackets, balustrades, quoins, fanlights, corner boards, window(s) and door frames, transoms, and other appurtenant fixtures. Also included, is the style, scale, material, size and location of outdoor advertising signs and billboards.

*Architectural Interest.* A determination that a building, structure, property, object, site or area that has sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

*Architectural Significance.* A determination based on the following criteria:

1. The structure(s) is (are) the work of, or associated with, a nationally or locally noted architect, architectural firm, engineer, builder or craftsman; or
2. The structure(s) is (are) an example of a particular period of architecture or architectural style in terms of detail, material, method of construction or workmanship, with no or negligible irreversible alterations to the original structure; or
3. The structure(s) is (are) one of the few remaining examples of a particular architectural style; or
4. The structure(s) is (are) one of a contiguous group of structures which have a sense of cohesiveness which is expressed through a similarity of characteristics, a similarity of a style, a similarity of period, a similarity of method of construction or which accent the architectural significance of the area.

*Building.* Any roofed structure used or intended for supporting or sheltering any use or occupancy, typically for any form of human activity. A building also may refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn. Examples of buildings include: carriage house, church, garage, hotel, house, library, school, shed, store or theater. The term also includes mobile homes, manufactured homes and industrial housing.

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*Certificate of Appropriateness.* An order issued by the Mesquite Landmark Commission. The order indicates approval of plans, by the Landmark Commission, for an alteration or other activity (excluding demolition, removal and relocation) to any Mesquite Landmark or a contributing property, compatible property, non-contributing property or any other historic resource within any H-POD—Historic Preservation Overlay District. A Certificate of Appropriateness shall be obtained prior to the Building Official or other City official issuing a permit or any other regulated permit.

*Certificate of Demolition, Removal or Relocation.* An order issued by the Mesquite Landmark Commission. The order indicates approval of plans, by the Landmark Commission, for demolition, removal or relocation to any contributing property or any other historic resource within a H-POD—Historic Preservation Overlay District. A Certificate of Demolition, Removal, or Relocation shall be obtained prior to the Building Official or other City official issuing a permit or any other regulated permit.

*Certified Local Government (CLG).* A local governmental entity certified and recognized as a Certified Local Government (CLG) that may participate in the Federal Historic Preservation Program.

*Certified Local Government Program.* Jointly administered by the National Park Service (NPS) and the State Historic Preservation Offices (SHPOs), each local community works through a certification process to become recognized as a Certified Local Government (CLG). Once certified, CLGs become an active partner in the Federal Historic Preservation Program. Each community gains access to benefits of the CLG program and agrees to follow required federal and state requirements. Through the Certified Local Government Program certification process, communities make a local commitment to historic preservation. The goal of the Certified Local Government Program is federal, state, and local preservation through partnership.

*Character Defining Feature(s).* Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property or area.

*City.* The City of Mesquite, Texas.

*Compatibility.* The relationship between buildings of scale, height, proportion and mass and their relationship to the viewscape.

*Compatible Property.* A structure within a H-POD—Historic Preservation Overlay District that was substantially constructed after the district's period of significance, but fits within the existing character of the H-POD to reflect existing buildings in massing, height, scale, material, roof, color, architectural details, and general appearance, or is built in accordance with an approved Certificate of Appropriateness.

*Construction.* The act of adding an addition to an existing building or structure, or the erection of a new principal or accessory building or structure on a lot or property.

*Contributing Property.*

1. Includes any building, structure, object, or site that by age, location, design, setting, materials, workmanship or feeling and association contains character defining features of any H-POD—Historic Preservation Overlay District and/or is Archeologically Significant, Architecturally Significant, Culturally Significant, and Historically Significant because:
  - a. It was present during the period of historical significance or it relates to the documented significance of the property; or
  - b. Despite alterations, disturbances, additions, or other changes, it still possesses historical integrity or is capable of yielding important information about the historically significant period; or
  - c. It independently meets one or more of the National Register of Historic Places criteria; or
  - d. It has been identified as contributing in a historical, architectural, or archeological survey.

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2. Ordinarily buildings that have been built within the 50 years prior to the year of application shall not be considered to contribute to the significance of an H-POD unless:
    - a. The historical attributes of the H-POD are considered to be less than 50 years old; or
    - b. A justification concerning their historical or architectural merit is given by architectural historians and/or archaeologists recognized by the Texas State Historic Preservation Commission (SHPO).

*Cultural Significance.* A determination based on the following criteria:

1. The role a property, cultural landscape, building, site, structure, object, or character defining features of any H-POD—Historic Preservation Overlay District plays in a community's historically rooted beliefs, customs, and practices; or
2. Its association with events, or series of events, significant to the cultural traditions of a community.

*Demolition.* An act or process (excluding 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.

*Deterioration from Neglect.* Deterioration of any structural component, architectural feature or exterior features, of a historic designated property from inadequate maintenance to the extent that it creates an irreversible detrimental effect on the life and character of the building, structure, object, or site and/or creates health and safety violations.

*Determination of No Material Effect.* Upon review of a complete application for a Certificate of Appropriateness or a Certificate of Demolition, Removal, or Relocation, the Historic Preservation Officer, or his/her designees, may administratively approve the application by making a "determination of no material effect" indicating approval for any normal repair or act of maintenance as defined by this Zoning Ordinance in Section 6-200. The Historic Preservation Officer making a determination of no material effect will serve as administrative approval of either the Certificate of Appropriateness or a Certificate of Demolition, Removal or Relocation.

*District.* A designated section of the City of Mesquite for which the City may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

*Element.* A material part or detail of a building, structure, object, site, street, or district.

*Excavation.* The digging out, removal or moving of earth, rock, soil or subsoil.

*Exception for Economic Non-Viability.* An exception issued by the Mesquite Landmark Commission when an applicant is seeking a Certificate of Appropriateness or Certificate of Demolition, Removal or Relocation and said certificate(s) "has been denied" or "would be denied".

*Exterior Feature(s).* Includes character defining features and means the architectural style and the general design and arrangement of the exterior of a building, structure, site or object, including, but not limited to, the kind and texture of the building material(s), and the type, style and arrangement of all windows, doors, light fixtures, signs and other appurtenant elements, or the natural features including significant tree(s). In the case of outdoor advertising signs and billboards, "exterior feature" includes the style, material, size and location of the sign.

*Extraterritorial Jurisdiction (ETJ).* An area outside the annexed municipal limits of the City, over which the City of Mesquite has the right to annex at some point in time based on certain provisions.

*Façade.* The entire exterior building wall including the parapet.

*Form.* The shape and structure of a building.

*Harmonious.* Having a pleasing or congruent arrangement.

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*Historic Designated or Historic Designation(s).* An official recognition of the significance of a building, site, structure, object, or local historic district. Designation can occur on three different levels:

*Federal.* National Historic Landmarks (NHLs) and other listings on The National Register of Historic Places (for both individual buildings, sites, structures and objects and entire historic districts);

*State.* Recorded Texas Historic Landmarks (RTHLs) (only for individual buildings), State Antiquities Landmarks, State Archeological Landmarks, or Historic Texas Cemetery; or

*Local.* Designated by a municipal ordinance either individually, as a Mesquite Landmark (ML), or as a local historic district in the form of an H-POD—Historic Preservation Overlay District.

*Historic Designation Application.* An application of the City of Mesquite for consideration for official designation by the City Council of either an individual building, structure, site, object, property or land, including a protected tree, as a local Mesquite Landmark (ML); or a geographically and locally defined area, or multiple areas, that possess a significant concentration, linkage, or continuity of properties, including buildings, structures, sites, objects or landscapes as an H-POD—Historic Preservation Overlay District.

*Historic District.* An area officially designated as a "historic district" either on a local, State or federal level and which may contain, within definable geographic boundaries, one or more landmarks, and which may have within its boundaries other proportions or structures that, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall historic or architectural characteristics of the historic district. The City of Mesquite designates its local historic districts as zoning overlay districts, specifically referenced and designated as "H-PODs—Historic Preservation Overlay Districts."

*Historic Integrity.* The composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

*Historic Preservation.* See "Preservation."

*Historic Preservation Officer (HPO).* The City's Manager of Historic Preservation shall also be known as the Historic Preservation Officer.

*Historic Rehabilitation.* See "Rehabilitation."

*Historic Resource.* A source or collection of sources such as buildings, objects, sites, structures, usually 50 years or older, or areas that exemplify the cultural, social, economic, political or architectural history of the nation, State or City.

*Historic Resources Survey.* A systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance. Properties may be classified as contributing properties, compatible properties, or non-contributing properties on historic resource surveys.

*Historic Significance.* A determination based on the following criteria:

1. The structure(s) or site(s) has (have) a strong association with the life or activities of a person or persons who have contributed to or participated in the historic events of the nation, State or community; or
2. The structure(s) or site(s) is (are) associated with an association or group (whether formal or informal) which has contributed to or participated in historic events of the nation, State or community; or
3. The structure(s) or site(s) or object(s) is (are) associated with an antiquated use due to technological or social changes in the nation, State or community, such as, but not limited to, a blacksmith's shop or railroad trestle; or
4. The site(s) or object(s) is (are) a monument to or a cemetery of historic personages.

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*Historic Texas Cemetery.* Historic Texas Cemetery designations are issued by the Texas Historical Commission (THC). Cemeteries or burial sites that are at least 50 years old and worthy of preservation for their historical associations can receive this designation.

*H-POD—Historic Preservation Overlay District.* H-PODs—Historic Preservation Overlay Districts are established by ordinance under this Zoning Ordinance and require a zoning map amendment along with a text amendment to the Mesquite Zoning Ordinance. Areas within a H-POD—Historic Preservation Overlay District retain their underlying zoning designation for land use, and the overlay requires additional conformance to the H-POD design standards and any other Mesquite regulatory provisions identified for the overlay. All properties, including buildings, structures, sites, objects or landscapes, within a designated H-POD, whether individually identified as either a contributing property or non-contributing property, are subject to the regulations of the H-POD.

*Improvement.* Any building, structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or part of such betterment.

*Integrity.* The authenticity of physical characteristics from which properties obtain their significance. When properties retain historic material and form, they are able to convey their association with events, people, and designs from the past. All buildings change over time. Changes do not necessarily mean that a building is not eligible; but, if it has radical changes, it may no longer retain enough historic fabric, and may not be eligible for the National Register.

*Inventory.* A list of historic resources that have been identified and evaluated as meeting specified criteria of significance.

*Landmark.*

*Federal.* See "National Historic Landmark" (NHL).

*State.* See "Recorded Texas Historical Landmark" (RTHL).

See "State Archeological Landmark."

*Local.* See "Mesquite Landmark" (ML).

*Landmark Commission (LC).* The seven-member board appointed by the City Council.

*Local Historic District.* See "H-POD—Historic Preservation Overlay District."

*Local Register.* The City's local register is codified in Part 8 of this Zoning Ordinance, titled City of Mesquite, Texas, Landmark Register of Historic Places.

*Maintain.* To keep in an existing state of preservation or repair.

*Major Change(s).* Additions or alterations to a building, structure, site, or object or any other large-scale change that affects the character defining features of the building, structure, site, or object or the related viewscape.

*Massing.* The three-dimensional geometric composition of a building, or the overall "bulk" of a building and how the building is placed on its site.

*Material Change of Exterior Appearance.* Any change, alteration or modification of the exterior architectural features and appearance or exterior features of a building, improvement, structure, site, object or property which is visible from the street and for which a regulated permit is required for compliance with applicable local codes, including, but not limited to:

1. Changes in the exterior size, configuration, fenestration or other structural features of the property; or
2. Construction or reconstruction; or

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3. Demolition, Removal or Relocation; or
  4. Any alteration in the size, location or appearance of any sign on the property; or
  5. Any excavation on property or the deposit of any waste, fill or other material on the property.

*Materials.* The physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

*Mesquite Landmark (ML).* Individual properties may be officially designated as local historic landmarks and shall be designated and referred to as Mesquite Landmarks (ML). All officially designated Mesquite Landmarks shall be listed in the Mesquite Local Register. For a complete listing of officially designated Mesquite Landmarks see Part 8.—City of Mesquite, Texas, Landmark Register of Historic Places.

*Minor Change(s).* Small-scale alterations to a building, structure, site or object that does not significantly affect its appearance and are easily reversible. Minor change(s) shall include the installation or alteration to awnings, fences, gutters, downspouts and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main building or structure, or to an accessory structure.

*National Historic Landmark (NHL).* A nationally significant historic place designated by the Secretary of the Interior for its exceptional value or quality in illustrating or interpreting the history and heritage of the United States. These properties possess a high, not simply good, level of historic integrity. Listing a property as a National Historic Landmark does not change its ownership. Properties are owned by private individuals, universities, non-profit organizations, corporations, tribal entities, local and state governments, or, in some cases, the Federal government. All properties designated as NHLs are automatically listed in the National Register of Historic Places, if not previously listed.

*National Park Service (NPS).* A bureau of the Federal Department of the Interior with numerous preservation-related programs, including the National Register, Preservation Briefs, and the Certified Local Government program. Provide Preservation Briefs which provide history and guidance on historic building materials.

*National Register of Historic Places (NRHP).* The nation's official list of buildings, districts, and sites, including structures and objects, significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. These properties tell stories that are important to a local community, the residents of a specific state, or to all Americans. Properties must possess good historic integrity. As with National Historic Landmark, listing a property on the National Register of Historic Places does not change its ownership. Properties are owned by private individuals, universities, non-profit organizations, corporations, tribal entities, local and state governments, or, in some cases, the Federal government. The National Park Service maintains the National Register of Historic Places.

*National Register-Eligible Property.* An historic property that is eligible for inclusion in the National Register of Historic Places because it meets the National Register criteria, which are specified in the Department of the Interior regulations.

*National Register-Listed Property.* An historic property that has been formally listed in the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

*New Construction.* Construction that is characterized by the introduction of new elements, buildings, structures, objects, or sites, or additions to existing buildings and structures in historic areas and districts.

*Non-Contributing Property.*

1. Includes any building, site, structure, or object that by age, location, design, setting, materials, workmanship or feeling and association does not contain any character defining features of the H-POD



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Historic Preservation Overlay District and/or is not archeologically significant, architecturally significant, culturally significant, and historically significant because:

- a. It was not present during the period of historical significance or does not relate to the documented significance of the property; or
  - b. Due to alterations, disturbances, additions, or other changes, it no longer possesses historical integrity or is incapable of yielding important information about the historically significant period; or
  - c. It does not independently meet one or more of the National Register of Historic Places criteria.
2. Ordinarily buildings that have been built within the 50 years prior to the year of application shall not be considered to contribute to the significance of a HPOD unless:
- a. The historical attributes of the HPOD are considered to be less than 50 years old, or
  - b. A justification concerning their historical or architectural merit is given by architectural historians and/or archaeologists recognized by Texas State Historic Preservation Commission (SHPO).

*Object.* A material thing of functional, aesthetic, cultural, or historical value that may be, by nature or design, moveable, yet associated to a specific setting or environment. An object is primarily artistic or utilitarian in nature and is relatively small in scale and simply constructed (as distinguished from buildings and structures). Examples of objects include: fountain, milepost, monument, sculpture, figure or statue.

*Ordinary Repair and Maintenance.* Any work, the purpose and effect of which is to correct any deterioration or decay of, or damage to a building, structure, site, or object, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials, or those materials available which are as close as possible to the original. In-kind replacement, or repair, is included in this definition. "In-kind replacement " means the replacement of an element with a new element of the same material, color, texture, shape and form as the original.

*Overlay zoning district.* Zoning, applied over one or more other districts, creating an additional, mapped zone that is superimposed over the conventional zoning districts. The regulations for properties included in the overlay district and are in addition to those of the underlying base zoning district or any other applicable underlying districts. Development within any overlay zoning district must conform to the requirements of all zones, or the more restrictive of the zones. The location and boundaries of overlay districts, established by this Zoning Ordinance, are set forth in the Official Zoning Map, as periodically amended.

*Owner.* The individual, firm, corporation, limited liability company, partnership, or other legal business entity in whom is vested the ownership, dominion or title of property and who is responsible for payment of ad valorem taxes on that property. The definition of owner shall include a Lessor or Lessee if responsible for payment of ad valorem taxes.

*Owner of Record.* Any person, firm, corporation, limited liability company, partnership, or other legal business entity listed as owner on the property records of the Kaufman County or Dallas County Clerk.

*Prehistoric Significance.* A determination based on the following criteria:

1. That a property, cultural landscape, building, site, structure, object, or area has yielded or may be likely to yield, information important in prehistory; or
2. That property, cultural landscape, building, site, structure, object, or area provides a diagnostic assemblage of artifacts for a particular cultural group or time period or that provides chronological control (specific dates or relative order in time) for a series of cultural groups.

*Preservation.* The act or process of applying measures to sustain the existing form, integrity and material of a building, structure, object or site including, but not limited to, initial stabilization work and ongoing maintenance

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of historic building materials and the existing form and vegetative cover of a site. Preservation focuses on the maintenance and repair of existing historic materials and retention of a historic designation's form as it has evolved over time.

Preservation is one of four approaches for the treatment of historic properties as identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

*Preservation Briefs.* Provide guidance on preserving, rehabilitating, and restoring historic buildings. These National Park Service (NPS) Publications help historic building owners recognize and resolve common problems prior to work. The briefs are especially useful to Historic Preservation Tax Incentives Program applicants because they recommend methods and approaches for rehabilitating historic buildings that are consistent with their historic character.

*Preservationist.* Someone with experience, education or training in the field of preservation.

*Protected Tree.* See "Tree, Protected Tree."

*Reconstruction.* The act or process of reassembling, reproducing or replacing by new construction, the form, detail and appearance of the 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, or by reuse of the original materials.

Reconstruction is one of four approaches for the treatment of historic properties as identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

*Recorded Texas Historic Landmark (RTHL).* A state designation for buildings and structures deemed worthy of preservation for their architectural integrity and historical associations and for which have retained a high degree of their original historic fabric. Authorized by the Texas Government Code, Chapter 442, RTHL is the highest honor the state can bestow on historic structures in Texas. Properties so designated are afforded a measure of legal protection and become part of the recorded history of the State's built environment.

*Register.*

*Federal.* See "National Register of Historic Places."

*Local.* See "Local Register." See also Part 8 of this Zoning Ordinance, titled City of Mesquite, Texas, Landmark Register of Historic Places.

*Regulated Permit.* An official document or certificate issued by the Building Official (e.g., building permit), City Engineer (e.g., right-of-way permit) or other official of the City pursuant to the provisions of the Mesquite City Code or Zoning Ordinance or other regulation, and which authorizes the performance of a specified activity. For purposes of this Zoning Ordinance the term regulated permit does not include a Certificate of Appropriateness or Certificate of Demolition, Removal or Relocation.

*Rehabilitation.* The act or process of returning a building, structure, object, or site to a state of utility through repair, remodeling, or alteration, that makes possible an efficient contemporary use while preserving those portions or features of the building, structure, object, or site, that are significant to its historical, architectural and cultural value.

Rehabilitation is one of four approaches for the treatment of historic properties as identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

*Relocation.* Any repositioning of a building, structure, or object on its site or moving it to another site.

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*Removal.* The act or process of permanently removing any building, structure, or object from any site or land, or permanently removing any exterior architectural features, exterior features, or elements from a building, structure, object, site, or land.

*Repair.* Any change which does not require a building permit, and which is not construction, demolition, removal or relocation.

*Resource.* See "Historic Resource."

*Restoration.* Returning a property, including a building, site, structure, or object, to a state indicative of a particular period of time in its history and usually involves the removal of evidence of later time periods.

Restoration is one of four approaches for the treatment of historic properties as identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

*Restoration Alternatives.* Include, but are not limited to, different materials, techniques or methods for rehabilitation of historic buildings and structures, or archeological sites.

*Retain.* To keep secure and intact. The terms "retain" and "maintain" both describe the act of keeping an element, detail or structure, and continuing the same level of repair to aid in the preservation of elements, sites and structures.

*Review.* "Review" or "Design Review" shall refer to the decision-making process, conducted by the Historic Preservation Officer and/or the Landmarks Commission, that is guided by established terms, processes, and procedures as outlined in this Zoning Ordinance.

*Scale.* Proportional elements that demonstrate the size and style of buildings, the proportions of the elements of a building to one another and the whole, and to adjacent buildings.

*Secretary of the Interior's Standards.* The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. In this Zoning Ordinance, when the phrase "Secretary of the Interior's Standards" is used, it means the collective publication(s) of the Secretary of Interior, to only be used as guides unless otherwise required by State or federal law.

*Setting.* The sum of attributes of a locality, neighborhood or property that defines its character.

*Siding.* The covering of exterior vertical or nearly vertical wall surfaces, excluding architectural features.

*Significant Tree.* See "Tree, Protected Tree."

*Site.* The location of a significant building, improvement, structure, object or event. Site also means the location of a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. Examples of sites include: cemetery, designed landscape, habitation site, natural feature having cultural significance, rock carving, rock shelter, ruins, trail or village site.

*Stabilization.* The act or process of applying measures essential to the maintenance of a deteriorated building or structure to establish structural stability and a weather resistant enclosure.

*State Antiquities Landmark.* A designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. This designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places.

*State Archeological Landmark.* A designation made by the Texas Historical Commission and, in the case of privately-owned property, with the landowner's permission. Although called "archeological" landmarks, this designation may include buildings as well as archeological sites. For a building to be designated as a State

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Archeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.

*State Historic Preservation Office (SHPO).* The State Office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966, as amended, and subsequent legislation. The Executive Director of the Texas Historical Commission serves as the SHPO for the State of Texas.

*Streetscape.* The distinguishing character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, and forms of surrounding buildings.

*Structure.* A term used to distinguish specific types of functional constructions from buildings. A structure is anything constructed or erected (excluding buildings), the use of which requires a permanent or temporary location on or in the ground. As distinguished from buildings, structures are those functional constructions made usually for purposes other than creating human shelter. Examples of structures include: earthwork, decks, fences, walls, gazebos, advertising signs, billboards, backstops for tennis courts, swimming pools, radio, television, cellular or other antennas and facilities, including supporting poles and towers.

*Style.* A type of architecture distinguished by special characteristics of structure and ornament and often related in time. Also, a general quality of a distinctive manner.

*Tax Credits.* Available at the state and federal level for historic preservation.

*Texas Accessibility Standards (TAS).* Texas Standards for accessibility that closely follow the Americans with Disabilities Act Accessibility Guidelines (ADAAG). In Texas, the Texas Department of Licensing and Regulation (TDLR) enforces the Americans with Disabilities Act (ADA) as it relates to building design. Rather than use the federal design guidelines, Texas adopted its own version, the Texas Accessibility Standards (TAS).

*Texas Department of Licensing and Regulation (TDLR).* In Texas, the Texas Department of Licensing and Regulation (TDLR) enforces ADA as it relates to building design.

*Texas Historical Commission (THC).* State agency for historic preservation.

*Texas Main Street Program (TMSP).* A program in the Community Heritage Development Division of the Texas Historical Commission (THC). The City of Mesquite's downtown area is a designated Texas Main Street Program.

*Treatment.* The Secretary of the Interior's Standards for the Treatment of Historic Properties and associated Guidelines offer four distinct approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction. Choosing an appropriate treatment for a historic building, structure, object, or site is critical.

*Tree, Protected Tree.* Significant trees may be considered "protected trees" as defined by Mesquite City Code App. C, Part 1A-402(C)(1) which states, a protected tree means any tree named in 1A-500-1 Tree Schedule which is at least of the size indicated as "protected size" for the category in which the tree is listed. Protected tree(s) are included within the definition of exterior feature(s).

*Unique and Compelling Circumstances.* Those uncommon and extremely rare instances, factually detailed, which would warrant the Landmark Commission's review, due to the evidence presented.

*Visible from the Street.* Any portion of a building, structure, site or object that can be seen from any public street and/or sidewalk abutting the subject property.

*Zoning.* A police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and conditional uses (or special uses) are established as are regulations governing lot size, building bulk, placement and other development standards.

(Ord. No. 4738, § 6(Exh. D), 11-4-19; Ord. No. 4771, § 1(Exh. A(E)), 3-16-20)

