

ARTICLE VI. - TAX EXEMPTION FOR DESIGNATED HISTORIC SITES^{[\[7\]](#)}

Footnotes:

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Cross reference— Historic land preservation and historic districts, § 35-211 et seq.

Sec. 10-126. - Purpose.

This article is enacted for the purpose of encouraging the preservation of individually designated historic sites by providing for a reduction of the city's property tax to qualifying properties.

(Ord. No. 87-189, § I(22-50), 10-20-87)

Sec. 10-127. - Definition.

As used in this article, "designated historic site" means any structure or archeological site and the land necessary for access to and use of the structure or archeological site, if the structure or archeological site is designated as a historically or archeologically significant site in need of tax relief to encourage its preservation pursuant to an ordinance or other law adopted by the governing body of the unit.

(Ord. No. 87-189, § I(22-51), 10-20-87; Ord. No. 2009-290, § 1, 11-17-09)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 10-128. - Partial tax exemption of designated historic sites.

- (a) Any property which was a designated historic site on the first day of January for any year beginning with 1989 and extending to and including 2008, shall be exempt from real property ad valorem taxes levied by the City of Denton to the extent of fifty (50) percent of the assessed value of the designated historic site. The exemption provided for herein shall apply for a maximum of fifteen (15) successive years, beginning with the first year the property is entitled to the exemption during the specified years and continuing and including each and every year of the fourteen (14) successive years thereafter during which the property is a designated historic site on the first day of January of those fourteen (14) years.
- (b) Any property which was a designated historic site on the first day of January 2009 shall be exempt from real property ad valorem taxes levied by the City of Denton for tax year 2009 to the extent of fifty (50) percent of the assessed value of the designated historic site.
- (c) Any property which is designated a historic site after the first day of January 2009 may be exempt from real property ad valorem taxes levied by the City of Denton to the extent of fifty (50) percent of the assessed value of the designated historic site if the property owner demonstrates to city qualifying expenses of ten thousand dollars (\$10,000.00) or more for permanent improvements and/or for restoration of said property. The qualifying expenses are limited to two (2) years prior to designation as a historic site. The historical landmark commission must determine whether the qualifying expenses result in a permanent improvement and/or restoration of said property as a condition of receiving the exemption. The exemption provided for herein shall apply for a maximum of ten (10) successive years, beginning with the first year the property is entitled to the exemption during the specified years and continuing and including each and every year of the nine (9)

successive years thereafter during which the property is a designated historic site on the first day of January of those nine (9) successive years.

- (d) Additional ten (10) year exemptions thereafter will require the property owner to demonstrate to city qualifying expenses of ten thousand dollars (\$10,000.00) or more, beyond those demonstrated for the initial or subsequent exemption, for permanent improvements and/or for restoration of said property. The historical landmark commission must determine whether the qualifying expenses result in a permanent improvement and/or restoration of said property as a condition of receiving the exemption.
- (e) Upon designation as a historic site eligible for a tax exemption or reauthorization of a tax exemption, the director of planning and development shall provide the property owner a certified ordinance or other document that authorizes the tax exemption. To receive the exemption provided herein, a person claiming the exemption must apply for the exemption with the chief appraiser of the Denton Central Appraisal District as provided by state law. Immediately after issuance of a certificate of demolition or removal, the director of planning and development shall notify the chief appraiser of the Denton Central Appraisal District.

(Ord. No. 87-189, § I(22-52), 10-20-87; Ord. No. 98-110, § I, 4-21-98; Ord. No. 2009-290, § 1, 11-17-09)

Sec. 10-129. - Recapture of taxes.

- (a) If any designated historic site is, within twenty-five (25) years from any year in which the property received a tax exemption under this article:
 - (1) Removed as a designated historic site by ordinance, upon the request of the owner; or
 - (2) Removed as a designated historic site by ordinance after it has been determined to have been totally or partially destroyed or altered by the willful or negligent act of the owner or the owner's agent, in violation of article V of chapter 35 of this Code;

an additional tax is imposed, on the effective date of the ordinance providing for its removal as a designated historic site, equal to the difference between the city taxes imposed for each year an exemption was made under this article, and the taxes that would have been imposed had the exemption not been made, plus interest on the additional amount at an annual rate of seven (7) percent, calculated from the dates on which the additional taxes would have become due if not exempted.

- (b) If, in providing for the removal of a property as a designated historic site because of its being partially or totally destroyed or altered, as provided in subsection (a)(2) of this section, the city council, after receiving the determination of the historic landmark commission and planning and zoning commission, determines, after public hearing for which the owner shall be given notice, that the property was totally or partially destroyed or altered by the willful or negligent act of the owner or his representative, in violation of article V of chapter 35, the additional tax provided for in this section shall be imposed.
- (c) A tax lien attaches to the property on the date it is removed as a designated historic site to secure payment of the additional tax and interest imposed by this section. The lien exists in favor of the city for which the additional tax is imposed.
- (d) The city tax assessor and collector shall notify the chief appraiser of the additional tax imposed and shall prepare and deliver a statement to the owner for the additional taxes plus interest as soon as practicable after removal of the property as a designated historic site. The taxes and interest are due and become delinquent and incur penalties and interest as provided by law for ad valorem taxes imposed by the city if not paid before February 1 of the year following the year in which the additional tax is imposed.

(Ord. No. 87-189, § I(22-53), 10-20-87)