

Seguin's Preservation Ordinance

Incorporated within the City of Seguin's Unified Development Code

1.2.4. Historic Design Review Committee (HDRC). There is hereby created a Committee to be known as the Historic Design Review Committee, hereafter referred to as the "HDRC". The HDRC shall consist of five (5) members appointed by the Mayor, and at least two (2) of such members shall be business or property owners within the district and one (1) shall be a design professional. A design professional is defined as someone having training or expertise in historic architecture, art, and/or the recommendation of materials and color selection for commercial property. All HDRC members shall have a known and demonstrated interest, competence or knowledge of historic preservation within the City. HDRC members shall serve for staggered terms of three years. Members shall serve a maximum of two terms and shall be reappointed after the initial term is completed. The chairman and vice-chairman of the HDRC shall be elected by and from the members of the HDRC and shall remain in their elected position for one year. The HDRC shall have the power to:

- A. Adopt rules and procedures as necessary to provide for the orderly conduct of meetings.
- B. Maintain written minutes that record all actions taken by the HDRC and the reasons for taking such actions.
- C. Increase the public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Officer (HPO).
- D. Approve or disapprove applications for a Certificate of Appropriate Design pursuant to this chapter.
- E. Recommend specific design guidelines to ensure compatibility within the district.
- F. Recommend additional designations, district expansion, or other advisory functions such as abatements.
- G. The HDRC shall meet at such times as determined by a submission of a Certificate of Appropriate Design application if business is at hand or a minimum of three times per year. Special meetings may be called at any time as requested by the HPO. All meetings shall be held in conformance with the Texas Open Meetings Act. A quorum for the transaction of business shall consist of three (3) of the HDRC's members. Additionally, the Committee shall have three (3) ex officio, non-voting members each of whom shall be entitled to notice of all meetings of the Committee and to fully participate in the discussion and consideration of all business coming before the Committee. The ex officio members shall be the Building Official, the Planning Director, and the HPO.

Sec. 1.2.7E Historic Preservation Officer. The City Manager shall appoint a qualified City staff person to serve as Historic Preservation Officer. The City's Historic Preservation Officer (HPO) shall be charged with the role of supervising the historic preservation program. In connection with his or her supervision of the program, the HPO shall:

- Develop criteria for the designation of local historic, architectural and cultural landmarks and historic districts, which criteria shall be approved by the County Historical Commission and the Seguin Conservation Society, and ratified by the City Council. These criteria shall include, but are not limited to, the following:
 - Significance in history, architecture, archeology, or culture;
 - Associated with events that have made a significant contribution to the broad patterns of local, regional, State, or national history;
 - Associated with the lives of significant historical persons;
 - Characteristics of type, period, or method of construction;
 - Association with the work of a master designer, builder, or craftsman; or
 - Associated with an established and visual feature of the City.
- Develop application procedures for property owners and neighborhood or commercial groups interested in participating in the program, and distribute the executed applications to the appropriate recommending bodies.
- Assist property owners with state and national applications for historic markers to be submitted to the Texas Historical Commission and the National Park Service as appropriate.
- Conduct an initial review of all applications, local State and national to determine if a property clearly does or does not meet the landmark criteria.
- Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic districts within the City.
- Recommend acquisition of a landmark structure by the City where its preservation is essential to the purpose of this act and where private preservation is not feasible.
- Recommend the designation of historic districts that meet one or more criteria for designation of a landmark and constitute a distinct section of the City.
- Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- Make recommendations to the City Council and other City boards concerning the utilization of State, Federal or private funds to promote the preservation of landmarks and historic districts within the City.
- Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
- Propose tax abatement programs for designated properties.
- Maintain written meeting minutes for all meetings of the Historic Design Review Committee with distribution to all committee members for review and approval at subsequent meetings.
- Report any actions affecting any county courthouses, Recorded Texas Historic Landmark (RTHL), State Archeological Landmarks (SAL), National Register (NR), National Historic Landmark (NHL) and any locally designated properties.

Sec. 2.8. - Certificates of appropriate design.

- Application of Requirements. This section applies in the following areas:

Property within City of Seguin City Limits	Property within City of Seguin ETJ
YES	NO

- Intent.

The purpose of a Certificate of Appropriate Design is to help maintain and improve the lost or diminished architectural significance of Seguin Historic District.

- Applicability.

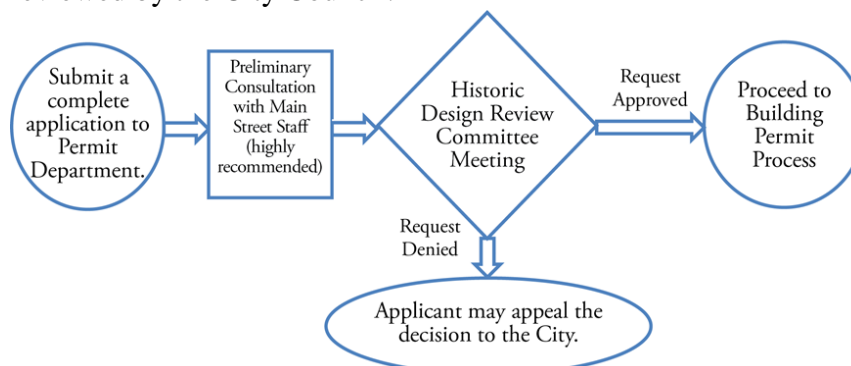
Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, new construction or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design.

- Criteria for Approval.

In considering an application for a Certificate of Appropriate Design, the Historic Design Review Committee is guided by The Secretary of Interior's Standards for Rehabilitation of Historic Buildings. These standards can be found in the Technical Manual and can be accessed on the Main Street Department website.

- General Process.

Applications for a certificate of Appropriate Design shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. The application shall be filed with the Building Official and will be reviewed by the Main Street staff prior to being submitted to the Historic Design Review Committee. Appeals of the Committee's decision shall be reviewed by the City Council.



Sec. 3.3.5. Historic Overlay Districts and Landmarks.

A. Intent.

The City Council of the City of Seguin, Texas has declared that as a matter of public policy the protection, enhancement and perpetuation of 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 historic properties represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage. This historic overlay district and associated requirements are intended to:

- Protect and enhance the landmarks, which represent distinctive elements of the historic, architectural and cultural heritage of Seguin.
- Foster civic pride in the accomplishments of the past.
- Protect and enhance the attractiveness to visitors and the support and stimulus to the economy thereby provided.
- Insure the harmonious, orderly and efficient growth and development of Seguin.
- Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city.
- Encourage stabilization, restoration and improvements of such properties and their values.

B. Certificate of Appropriate Design.

Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design from the HPO. The HPO may provide review and comment as requested by the property owner with regards to color selection and changes or improvements not requiring a building permit and may approve requests for a Certificate of Appropriate Design or refer them to the Historic Design Review Committee for review and approval. Prior to commencement of any work requiring a Certificate of Appropriate Design, the owner or the owner's representative shall file an application for such certificate with the Chief Building Official or his designee. The property owner or the owner's representative shall consult with the Historic Preservation Officer prior to submission of the application with regard to applicable standards and guidelines for the property. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used to assist in its consideration of all applications for a Certificate of Appropriate Design. The HPO and HDRC shall also consider whether the request complies with applicable Design Guidelines if adopted by the City. These standards and guidelines shall be made available to property owners applying for an historic landmark designation.

C. Designation of Historic Landmarks and Districts.

The City of Seguin has a program where local historic properties can apply to be designated a Local Historic Landmark. This program helps Seguin tell the story of its

prominent citizens, architecture and historic events. The designation of historic landmarks and districts shall be subject to the following requirements:

1. Each property designated as an historic landmark or located within a designated historic district shall be recorded with the City Historic Preservation Officer and the City Planning Director. An historic landmark designation shall mean that such property is subject to the terms of this Code; however, with regard to site plans, uses, setbacks and other development land use regulations, such property shall be governed by the zoning regulations of the City.
2. An historic landmark or historic district or expansion of a district shall be considered for approval only with the written application of the property owners expressly requesting that the property be so designated. Property owners of proposed historic landmarks and districts shall be notified to any hearing or vote on the recommended designation. At the City Council's public hearing, owners, interested parties and technical experts 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.
3. All applications for historic landmark or historic district designation, following initial review by the HPO, shall be distributed to the Board of Directors of the Seguin Conservation Society and the County's Historical Commission. The applications shall be reviewed and acted upon by the Board and the Commission within forty-five (45) days of receipt. The Board and Commission shall either approve or disapprove the application based upon the criteria developed by the HPO. Following action by the Board and the Commission, the application shall be submitted to the Historic Design Review Committee, who will then make its recommendation to City Council, and/or submit the application for review by the Texas Historical Commission and the National Park Service, as appropriate.
4. The City Council shall schedule a hearing of the Historic Design Review Committee's recommendation within forty-five (45) days of receipt of the recommendation of the Committee.
5. Upon designation of a building, object, site or structure as an historic landmark, the HPO shall cause the designation to be recorded in the Real Property Records of Guadalupe County, Texas, the tax records of the city and the Guadalupe County Appraisal District.

D. Ordinary maintenance.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, replacement or repair of any exterior architectural feature of property and structures within an historic landmark designation that does not involve a change in design or material, or outward appearance. In-kind replacement or repair is included in this definition of "ordinary maintenance". However, no person shall make any material or aesthetic change in the light fixtures, windows, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affects the appearance and cohesiveness of any historic landmark or any property within a historic district without applying for a Certificate of Appropriate Design.

E. Demolition by Neglect.

No owner or person with an interest in real property designated as a landmark or located within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature, which would, in the judgment of the HPO, produce a detrimental effect upon the life and character of the property or district.

Examples of such deterioration include, but are not limited to:

1. Significant deterioration of exterior walls or other vertical supports;
2. Deterioration of roofs and other horizontal members to the point that such deterioration either becomes a health and safety hazard, is likely to lead to the deterioration of the overall building, or threatens the integrity of adjoining buildings or businesses;
3. Significant deterioration of exterior chimneys;
4. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows and doors, to the point that the ineffective waterproofing either becomes a health and safety hazard, is likely to lead to the deterioration of the overall building, or threatens the integrity of adjoining buildings or businesses;
5. Significant deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public health and safety.

Initial identification is made by visual inspection of the area by the HPO, a HDRC committee member, fire marshal or building official, or a written referral submitted by the public to the HPO.

Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by U.S. mail of the defects of the building and informed of various incentive programs that may be available for repair. The letter may or may not include specific code violations. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to the HPO. The stabilization proposal will be presented to the HDRC at the next available meeting. If the HDRC approves the proposal, a Certificate of Appropriateness (if necessary) may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HDRC on the status of the property every thirty (30) days once work begins on the property.

If the property owner disagrees with the determination of the letter, they may request a hearing to present evidence that the property is not in neglect.

If the property owner fails to respond to the letter regarding the preliminary determination, the matter returns to the HDRC for a citation hearing. The HPO shall send a notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation, surrounding property owners are notified via mail of the hearing, and a public hearing on the citation is scheduled.

At the public hearing the owner is invited to address the HDRC's concerns and to show cause why a citation should not be issued. The HDRC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions. If the property owner is given more time, the owner must put a bond in an amount to be determined by the HDRC, allowing the City of Seguin to make the necessary repairs if the owner fails to do so.

If the owner is cited for the condition of Demolition by Neglect of the property, he is given fourteen (14) days to submit a stabilization proposal to the HPO, and at the discretion of the HDRC, up to one (1) year to correct the defects. The HPO shall update the HDRC on the status of the property every thirty days once the work has begun on the property.

After being cited, if the owner fails to submit a stabilization proposal within the fourteen days, at the discretion of the City Attorney in consultation with the HPO and building official, the property owner will begin incurring fines as set forth in Section 1-14 of the City of Seguin's Code of Ordinances of up to \$2,000 per day the property is in violation. If funds are available, the City may consider making the necessary repairs and placing a lien on the property.

F. Demolition.

A permit for demolition of an historic landmark or property within an historic district including secondary buildings and landscape features shall not be granted by the building official or any other city official without the review of a completed application for a Certificate of Appropriate Design by the HDRC and requires a mandatory stay of demolition for a period of no less than ninety (90) days.

G. Penalties.

Failure to comply with any of the provisions of this chapter shall be deemed a violation and the owner of the property will be subject to:

1. Removal of any marker identifying the property as an historic landmark.
2. The filing of a statement with the County Clerk reflecting that the historic designation has been revoked.
3. Repayment of any tax abatements received due to its historic landmark status.

H. Appeals.

Any person aggrieved by a decision of the HDRC relating to a Certificate of Appropriate Design or a determination of demolition by neglect may, within 20 days of the date of the posting of the certified mail to the address shown on the application, file a written application with the City Council, through the office of the City Secretary, for review of the decision and the approval, denial, modification of, or deviation from, the HPO and the

HDRC's decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council's decision shall be final.

3.3.5.H. Downtown Historic Overlay District

1. Applicability.

The Downtown Historic District includes those blocks located in the Inner Lots and Acre Lots of the City of Seguin, Guadalupe County, Texas. Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, new construction, demolition, or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design from the Historic Preservation Officer.

2. Uses.

Please see section 3.4.3, land use matrix to identify uses permitted within the district.

3. Site Development Requirements.

The required setbacks and landscape requirements do differ from the base zoning designation for properties within this overlay district. The front setback for all non-residential structures shall be the property line, except as may be allowed by the Downtown Historic District Design Review Committee. Please refer to those sections for specific requirements. Off street parking requirements shall not apply in the Downtown Historic District except for overnight lodging facilities (hotel, motel, or bed and breakfast).