

COUNTY OF GUADALUPE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 1.2.4 – HISTORIC PRESERVATION & DESIGN COMMISSION AND SECTION 3.3.5.C - DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS, AS DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Seguin City Council adopted the Unified Development Code (UDC) to encourage better planning and development throughout the city; and

WHEREAS, the Seguin City Council adopted regulations to encourage the preservation of Seguin's rich history, cultural assets and significant architecture; and

WHEREAS, the Seguin City Council created the Historic Preservation & Design Commission to oversee the preservation of Seguin's historic resources; and

WHEREAS, it has been determined that the Commission could benefit from additional voices; and

WHEREAS, the State of Texas has adopted new rules overseeing the designation of landmarks; and

WHEREAS, on December 5, 2019, the Historic Preservation & Design Commission voted to recommend to City Council that the amendments to the UDC as described herein be adopted; and

WHEREAS, on January 14, 2020, the Planning and Zoning Commission voted to recommend to City Council that the amendments to the UDC as described herein be adopted.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas, as follows:

PART ONE. Section 1.2.4 of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

Sec. 1.2.4 Historic Preservation & Design Commission (HPDC). There is hereby created a Commission to be known as the Historic Preservation & Design Commission, hereafter referred to as the "HPDC". The HPDC shall consist of ~~five (5)~~ seven (7) members appointed by the Mayor, and at least two (2) of such members shall be business or property owners within a historic district overlay and one (1) shall be a design professional. A design professional is defined as someone having knowledge and demonstrated interest in preservation-related fields such as architecture, history, archaeology, planning, or urban or community design. All HPDC members shall have a knowledge of and demonstrated interest, competence or knowledge of historic preservation within the City.

PART TWO. Section 3.3.5.C of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

Sec. 3.3.5.C Designation of Historic Landmarks and Districts.

Criteria for Designation

- a. Any building, structure, site, or object, may be designated for a local historic landmark designation if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least fifty years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories.
 1. Is associated with events that have made a significance contribution to the broad pattern of national, state, or local history.
 2. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
 3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to their field.
 4. Exemplifies or reflects special elements of the county's history.
 5. Is associated with the lives of persons significant in national, state or local history.
 6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.
 7. Is an historic building or cultural resource removed from its original location but which is significant for architectural value, or association with an historic person or event, or prehistory.
 8. Is a birthplace or grave of a prehistoric or historical figure of outstanding importance and is the only surviving structure or site associated with that person.
 9. Is a cemetery or burial site which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.
 10. Is a reconstructed building that has been executed in a historically accurate manner on the original site.
- b. Designation of historic districts will need to contain properties and an environmental setting which meet one or more of the criteria for designation of a landmark or constitutes a distinct section of the City of Seguin. Additional criteria considered for designation of districts is included in the Technical Manual.

Process for Designation

- a. 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 submitted by the property owner(s) or initiated by the City of Seguin. A designation pursued without owner's consent will require a three-quarters approval of all governing bodies within the decision process, to include the Commission, Planning & Zoning Commission and City Council. No property owned by an organization that qualifies as a religious organization under Section 11.20, Texas Tax Code shall be designated without the owner's consent. A property owner shall have the right to withdraw their consent for the designation at any time during the process. Property owners of proposed historic landmarks and districts shall be notified to any hearing or vote on the recommended designation, as well as notification of regulations impacting the future use of the property and any incentives and tools offered for preservation of local landmarks. 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, shall have an initial review by the HPO, who will then distribute to the Board of Directors of the Seguin Conservation Society and the Guadalupe County Historical Commission to allow them fifteen (15) days to provide comments. After the comment period, the application shall be placed on the agenda of the next HPDC for action. Individual Landmark Applications: If HPDC recommends approval of designation, Seguin City Council will act on designation Historic District Applications: If HPDC recommends approval of a new district or expansion of an existing district, the Planning and Zoning Commission shall take action at their next meeting. After Planning and Zoning Commission recommendation, Seguin City Council will act on designation.
4. The City Council shall take appropriate action on the recommendation from the Historic Preservation & Design Commission's within forty-five (45) days of receipt of the recommendation of the Commission.
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.

PART THREE. If any word, phrase, clause, sentence, or paragraph of this ordinance or the Unified Development Code is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance or the Unified Development Code will continue in force if they can be given effect without the invalid portion.

PART FOUR. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART FIVE. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PART SIX. This ordinance shall be published in a newspaper of general circulation.

PART SEVEN. This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on the first reading this 4th day of February 2020.

PASSED AND APPROVED AND ADOPTED on the second reading this 18th day of February 2020.

Don Keil, Mayor

ATTEST:

Naomi Manski
City Secretary