

**APPLICATION FOR HISTORIC LANDMARK DESIGNATION**

City of Seguin, Main Street Program, P.O. Box 591,  
Seguin, Texas 78156 (830) 401-2448

1. Name of Landmark: \_\_\_\_\_
2. Address of Landmark: \_\_\_\_\_
3. Legal Description: \_\_\_\_\_  
This information can be found on the property tax appraisal
4. Owner Name: \_\_\_\_\_
5. Owner Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_
6. HISTORY: A brief history is required and should be attached to this application. The following information should be included, if known:
  - Original owner/builder/architect
  - Subsequent owners
  - Present owner
  - Original and subsequent use of significance
  - Dates of the above
  - Any anecdotes concerning the landmark and/or its owners
  - Photographs – Historic and current
  - General description of the structure
7. I hereby request consideration of the above-described structure/site as a historic landmark according to the provisions of the City of Seguin Historic Landmark Preservation Ordinance. I have read this Ordinance and fully understand its effect on my property. This application shall be considered as my written permission as owner of the above-described property for historic designation by the City of Seguin City Council.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

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**FOR OFFICE USE ONLY**

Application received by \_\_\_\_\_

Date: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Check No. \_\_\_\_\_

**RECOMMENDATIONS FOR APPROVAL**

HISTORIC DESIGN REVIEW COMMITTEE: Date: \_\_\_\_\_

CITY COUNCIL: Date: \_\_\_\_\_



## **“Mark It, Seguin!”**

**a project of the Seguin Conservation Society and the Main Street Program**

### **FREQUENTLY ASKED QUESTIONS: LOCAL HISTORIC LANDMARK PROGRAM**

Seguin is a unique city with an amazing story to tell about its place in history, its architecture, and its diverse culture. A Local Historic Landmark Program is now in place that will allow this amazing story to be told to our residents and visitors to Seguin.

**What is a Local Historic Landmark Program?** There are several ways to provide official recognition to a historic property. If it meets certain criteria, it may be eligible for a state or national marker approved by the Texas Historical Commission and the National Park Service. When a property has more local relevance or, for some reason, does not meet the stringent requirements for a state or national marker, the property may be eligible for consideration for a Local Historic Landmark designation. A Local Historic Landmark involves the recognition of local historic properties through the use of plaques purchased by the property owner, following an application and review process.

**What are the criteria for designating a property as a Local Historic Landmark?** These criteria include but are not limited to the following:

- Significance in history, architecture, archeology, or culture;
- Association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- Association 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
- Association with an established and visual feature of the City.

**Who decides if my property qualifies as a Local Historic Landmark?** If you qualify for a state or national historic marker, then you automatically qualify for the local marker. Each application will be reviewed by members of the Guadalupe County Historical Commission and the Seguin Conservation Society. Each body will then make a recommendation regarding the application to the City’s Historic Design Review Committee. Seguin City Council will provide the final review and determination. The entire process should be completed in 90-days or less.

**If my property is approved as a Local Historic Landmark, who pays for the plaque?** Property owners are responsible for the purchase of the plaque for their property. While a City tax abatement is not currently available for a local historic marker, properties with a state or national marker are eligible such an abatement.

**What information am I going to need to apply?** In addition to the application itself, some or all of the following information should be provided: surveys, photographs of the property past and present, elevation drawings if available, and any documentation in the way of letters, records or newspaper clippings that help document the history and significance of the property.

**If my property is approved as a Local Historic Landmark does it limit what I can do to my property in the future?** Properties awarded designation as a Local Historic Landmark have a responsibility to help maintain the historic and architectural significance of the property. If a building permit is issued for the property for

work to the exterior then a Certificate of Appropriate Design will be required. This means the construction plans will be reviewed by the Historic Design Review Committee prior to the start of any construction. Upon designation as a Local Historic Landmark the designation shall be recorded in the Real Property Records of Guadalupe County, Texas, the tax records of the City and the Guadalupe County Appraisal District for a nominal fee. Improvements that do not require a building permit are not regulated nor is the choice of color when painting a historic structure. However, professionals are available to provide free design assistance upon request.

**What if I don't maintain my Local Historic Landmark or comply with the requirements of the Historic Design Review Committee?** Failure to comply could result in one of the following: i) removal of any marker identifying the property as a historic landmark; and ii) removal of the historic landmark designation from the County deed records. Most people with a historic property that would apply for a Local Historic Landmark appreciate the need to maintain the integrity of the property and program so it is anticipated that these penalties will rarely be necessary.

**Besides the cost of the plaque, is there a cost to be designated as a Local Historic Landmark?**

At this time there are no fees to receive this designation.

**For more information:** Call 830-401-2448 or send an email to [mainstreet@seguintexas.gov](mailto:mainstreet@seguintexas.gov). Additional information on this program is also available on the City of Seguin web site at [www.seguintexas.gov](http://www.seguintexas.gov). Just click on Main Street and then select Historic Preservation.

4-23-14

CITY OF SEGUIN

AN ORDINANCE OF THE CITY OF SEGUIN CITY COUNCIL ESTABLISHING A HISTORIC LANDMARK PRESERVATION ORDINANCE PROVIDING FOR THE ROLE OF THE HISTORIC PRESERVATION OFFICER IN THE HISTORIC LANDMARK PROGRAM; PROVIDING FOR THE DESIGNATION AND RECORDING OF LOCAL HISTORIC LANDMARKS; PROVIDING FOR A REVIEW PROCESS FOR APPLICATIONS FOR LOCAL HISTORIC LANDMARK DESIGNATION; ADDRESSING DEMOLITION BY NEGLECT OF HISTORIC LANDMARKS; PROVIDING FOR AMENDING OR RESCINDING LOCAL LANDMARK DESIGNATION; PROVIDING FOR AN EFFECTIVE DATE AND AUTHORIZING STAFF TO SUBMIT THIS ORDINANCE AS A SUPPLEMENT TO THE SEGUIN CODE OF ORDINANCES

WHEREAS, the laws of the State of Texas, including but not limited to Chapter 211 of the Texas Local Government Code, authorize the City Council to protect and preserve places and areas of historical and cultural importance and significance; to designate places and areas of historical and cultural importance; and to regulate the construction, reconstruction, alteration, or razing of buildings and other structures in order to maintain the City's heritage and property values; and

WHEREAS, it is in the public interest of the City of Seguin to establish a Historic Landmark Preservation Ordinance; and

WHEREAS, the Historic Landmark Preservation Ordinance provides for homes, commercial buildings, and sites of importance to the region to be designated as being locally historically significant; and

WHEREAS, such properties and places will be eligible to place a local marker designating it as historically significant; and

WHEREAS, this program will support Heritage Tourism and help make Seguin a tourism destination while serving to create community pride in Seguin's colorful and interesting history and architecture.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS:

**I. Purpose.**

The City Council hereby declares 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 ordinance is intended to:

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

## **II. Role of Historic Preservation Officer.**

The City's Historic Preservation Officer ("HPO") shall be charged with the role of supervising the historic landmark preservation program. In connection with his or her supervision of the program, the HPO shall:

1. Develop criteria for the designation of historic, architectural and cultural landmarks, 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;
  - a. Significance in history, architecture, archeology, or culture;
  - b. Association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
  - c. Association with the lives of significant historical persons;
  - d. Characteristics of type, period, or method of construction;
  - e. Association with the work of a master designer, builder, or craftsman; or
  - f. Association with an established and visual feature of the City.
2. Develop application procedures for property owners interested in participating in the program, and distribute the executed applications to the appropriate recommending bodies.
3. Conduct an initial review of all applications to determine if a property clearly does not meet the landmark criteria.

4. Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic districts within the city.
5. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
6. 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.
7. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
8. Propose tax abatement programs for landmarks.

### **III. Designation of Historic Landmarks.**

1. Each property designated as an historic landmark 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 ordinance; 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 shall be considered for approval only with the written application of the property owner expressly requesting that the property be so designated. Property owners of proposed historic landmarks shall be notified prior 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 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.
4. The City Council shall schedule a hearing on 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.

#### **IV. Certificate of Appropriate Design**

1. Any person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction or moving of a landmark or property with a Historic Landmark Designation must first obtain a Certificate of Appropriate Design from the HPO. The Historic Preservation Officer 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 HDRC for review and approval.
2. Criteria for Approval of a Certificate of Appropriate Design. The following standards, guidelines and criteria should be used in a balanced evaluation of the property under consideration for a Certificate of Appropriate Design:
  - a. The HPO and HDRC shall follow the *Secretary of the Interiors Standards for Rehabilitation* and guidelines for rehabilitating historic buildings to assist in its consideration of all applications for a Certificate of Appropriate Design. These standards and guidelines shall be made available to property owners applying for a historic landmark designation.
3. Certificate of Appropriate Design Procedures.
  - a. Prior to the 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 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.
  - b. The application shall contain:
    - (1) The physical address and property owner name, address, and telephone number of the applicant and a detailed description of the proposed work.
    - (2) The physical location and photographs of the property and adjacent properties (historical photographs may also be helpful).
    - (3) Elevation drawings of the proposed changes, and, preferably, showing the proposed exterior color scheme.
    - (4) Samples or examples of materials to be used.

- c. The Historic Preservation Officer may review and approve the application, or call a meeting of the HDRC regarding the request.
- d. No building permit shall be issued for such proposed work until a Certificate of Appropriate Design has been issued, or, upon appeal, to the City Council pursuant to subsection IX. herein. The Certificate of Appropriate Design shall be in addition to and not in lieu of any building permit or any other permit that may be required by another ordinance of the City.
- e. The HPO or HDRC shall approve, approve with modifications, or deny an application within sixty (60) days from receipt of the application. Should the HPO or HDRC not take action within the 60-day period, the property owner can proceed without a Certificate of Appropriate Design.
- f. All decisions shall be in writing. A Certificate of Appropriate Design, if approved, shall be sent to the applicant, a copy attached to the building permit for public inspection, and a copy retained on file. The HPO or HDRC decision shall state the reasons for denying or modifying any application.

#### **V. Enforcement.**

All work performed pursuant to a Certificate of Appropriate Design issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Official to inspect periodically any such work to ensure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriate Design, the Historic Preservation Officer shall issue a Stop Work Order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a Stop Work Order is in effect. Work may be reinstated, however, upon assurance that compliance will henceforth exist.

#### **VI. 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 a 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".

#### **VII. Demolition by neglect.**

No owner or person with an interest in real property designated as a landmark 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 judgment of the HPO, produce a detrimental effect upon the life and character of the property.

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

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows and doors.
5. 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.

Should the HPO determine that this section is being violated, the HPO shall bring the matter before the HDRC for final determination, within a minimum thirty (30) days notice to the owner of the property.

#### **VIII. 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 a historic landmark.
2. Removal of the deed record, citing it as a historic landmark.
3. Re-payment of any tax abatements received due to its historic landmark status.

#### **IX. 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.

#### **X. Fees**

Fees for a Certificate of Appropriateness and other fees that may be associated with this Chapter shall be established by the City Council from time to time as set forth in the City's Fee Schedule Ordinance.

**XI. Severability**

Should any of the various clauses, sentences, paragraphs, sections or parts of this Chapter be held of any reason invalid, unconstitutional or unenforceable, the same shall not be constructed to affect any other valid portions hereof and such valid portions shall remain in full force and effect.

That this ordinance shall be effective from and after passage on second reading and shall be published as according to the requirements of the law.

City staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and the public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

AND IT IS ORDERED.

Passed and Approved on the first reading this 6<sup>th</sup> day of November 2007.

Passed and Approved on the second reading this 20<sup>th</sup> day of November 2007.

\_\_\_\_\_  
Betty Ann Matthies, Mayor

Attest:

\_\_\_\_\_  
Thalia Stautzenberger, City Secretary