

Section 29. DHD Downtown Historic District

The Downtown Historic District includes those blocks located in the Inner Lots and Acre Lots of the City of Seguin, Guadalupe County, Texas, as indicated on Appendix D to this ordinance.

A. Principal uses:

Amusement, Commercial (indoor)
Antique shop
Art supply, Handicrafts
Bakery
Bank or Savings & Loan Office
Barber, Beauty Shop
Book or Stationary store
Cafeteria or Restaurant
Camera shop
Cleaners - Pickup only
Clinic, Medical or Dental
Community Center (non-profit)
Computer store
Dance, Drama, Art
Drug Store or Pharmacy
Florist Shop
Furniture or Appliance Store
Hardware store
Hobby shop
Key shop
Picture shop
Letter or Mimeograph Shop
Library, Art Gallery, Museum
Music store
Office, professional
Optical shop
Package store
Pawn shop
Print shop
Retail shops, Apparel, Gifts, Etc.
Shoe repair
Souvenir/Sporting Good
Studio, Decorator
Studio, Health
Studio, Photographer
Tailor
Tavern
Theater, Motion Picture
Travel Bureau/Agent
Variety store

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B. Uses Permitted with a Specific Use Permit:

One single-family detached dwelling unit per lot.
Accessory buildings including a private garage, or bona fide servants' quarters for use of servants employed on the premises and not for rent.
Apartment house, Lodging house, Condominium
Bed & Breakfast
Church
Nightclub (Live entertainment)
Off-street parking facility
Auto repair and servicing (in building)
Hotels, motels, and boarding houses (with an approved parking plan)

C. Front Setback:

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 in accordance with procedures stipulated in Section 29.1, Seguin Zoning Ordinance.

Section 29.1 Downtown Historic District Design Review

A. Purpose

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

B. 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".

1. 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

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materials and color selection for commercial property.

2. All HDRC members shall have a known and demonstrated interest, competence or knowledge of historic preservation within the city.
3. HDRC members shall serve for staggered terms of three years. For the initial committee members, the Historic Preservation Officer shall conduct a blind draw to establish the staggered terms with two (2) of the initial board members serving 1-year terms, two (2) of the initial board members serving 2-year terms, and the remainder serving a full 3-year term. Members shall serve a maximum of two terms and shall be reappointed after the initial term is completed.
4. 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.
5. 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.
6. 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.

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7. A quorum for the transaction of business shall consist of three (3) of the HDRC's members.
8. 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.

C. Appointment of Historic Preservation Officer.

The City Manager shall appoint a qualified city staff person to serve as Historic Preservation Officer. The HPO shall administer this ordinance and advise the HDRC on matters submitted to it.

D. Role of Historic Preservation Officer.

1. 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:
 - a. 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:
 - (1) Significance in history, architecture, archeology, or culture;
 - (2) Association with events that have made a significant contribution to the broad patterns of local, regional, State, or national history;
 - (3) Association with the Lives of significant historical persons;
 - (4) Characteristics of type, period, or method of construction;
 - (5) Association with the work of a master designer, builder, or craftsman; or
 - (6) Association with an established and visual feature of the City.

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- b. 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.
- c. 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.
- d. 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.
- e. Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic districts within the city.
- f. 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.
- g. 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.
- h. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- i. 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.
- j. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
- k. Propose tax abatement programs for landmarks.

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- l. 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.
- m. 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.

E. Designation of Historic Landmarks and Districts.

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 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 or historic 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)

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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.

F. Certificate of Appropriate Design.

1. 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 an Historic Landmark Designation or located in an 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.
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.

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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 an historic landmark designation.

3. Certificate of Appropriate Design Procedures.

a. 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 HPO prior to submission of the application with regard to applicable standards and guidelines for the property.

b. The landmark 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), and
- (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 district application shall contain:

- (1) A survey of all properties located within the proposed historic district.
- (2) A letter requesting that this area be made a historic district, and
- (3) A petition or letters of support from 51% or more of the property owners in the proposed district.

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- d. The HPO may review and approve a landmark application, or call a meeting of the HDRC regarding the request. Applications for a new historic district must be reviewed by the HDRC and submitted to the Planning and Zoning Commission and City Council for approval.
- e. No 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 Appeals 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.
- f. 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.
- g. All decision 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 and HDRC decision shall state the reasons for denying or modifying any application.

G. 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 HPO 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 assurances that compliance will henceforth exist.

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H. 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 change in the light fixtures, 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.

I. 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. 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, with a minimum thirty days notice to the owner of the property.

The HPO may recommend acquisition of a landmark structure by the City where its preservation is

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essential to the purpose of this act and where private preservation is not feasible.

J. 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 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.

K. 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. Removal of the deed record, citing it is an historic landmark.
3. Repayment of any tax abatements received due to its historic landmark status.

L. 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.

M. 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.