



Historic Landmark Commission
Bastrop City Hall
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8840

October 18, 2017 at 6:00 P.M.

City meetings are available to all persons regardless of disability. If you require special assistance, please contact the Planning Department at (512) 332-8840 or write 1311 Chestnut Street, 78602, or emailing plan@cityofbastrop.org or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

- a. Roll Call

2. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council, please submit a fully completed request card to the Board Secretary prior to the beginning of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Commission cannot discuss issues raised or make any decision at this time. Issues may be referred to City Staff for research and possible future action.

To address the Commission concerning any item on the agenda, please submit a fully completed request card to the Board Secretary prior to the consideration of that item.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

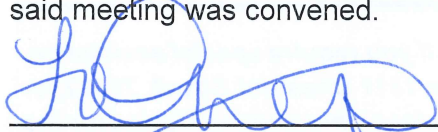
- a. Consider action to approve the minutes from the June 21, 2017 and August 16, 2017 meetings.
- b. Consider action to approve a Certificate of Appropriateness to install new signage for Simply Sweet, a cupcake business and The Branding Shop, a sewing and screen printing business, located at 1010 Main Street.
- c. Discuss current Historic Landmark Code and amendments to the Code in the coming year.

4. DIRECTOR OF PLANNING & DEVELOPMENT UPDATES

- a. Direction from the Historic Landmark Commission on any items to be included on future agendas.

5. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time 10/13/17 3:00pm and remained posted for at least two hours after said meeting was convened.



Launa Eckert, Board Secretary

**MEETING MINUTES FOR THE
HISTORIC LANDMARK COMMISSION
June 21, 2017**

The City of Bastrop Historic Landmark Commission met on Wednesday, June 21, 2017 at 6:00 p.m. in the Executive Chambers, 1311 Chestnut Street, Bastrop, Texas.

1. Call to order the Historic Landmark Commission.

Dan Hays-Clark called the meeting to order at 6:12 PM

2. Roll call and confirmation of a quorum for the Historic Landmark Commission.

Christine Cartwright	<u>Present</u>	Susan Long	<u>Absent</u>
Robbie Sanders	<u>Present</u>	Dan Hays-Clark	<u>Present</u>
Lisa Patterson	<u>Absent</u>	Blake Kaiser	<u>Present</u>
Kathryn Lang	<u>Present</u>		

3. Citizen comments.

No comments.

4. Consideration and action to approve the May 17, 2017 meeting minutes.

Kathryn Lang made a motion to approve with corrections to reflect Kathryn Lang Present and Susan Long absent, seconded by Blake Kaiser and the motion passed 3-0, with Christine Cartwright and Robbie Sanders abstaining.

5. Workshop: Main Street Manager, Sarah O'Brien to speak to Commission members about Texas Main Street program and newly launched website by the Texas Historical Commission.

<https://downtowntx.org/>

Sarah O'Brien explained the benefits of being a Texas Main Street city and utilizing the newly deployed database started by the Texas Historical Commission. The database stores detailed information on properties.

6. Director's Report:

- a) Direction from the Historic Landmark Commission on any items to be included on future agendas.

No report or directions made.

7. Adjourn.

At 6:42 PM Christine Cartwright made a motion to adjourn, seconded by Blake Kaiser and the meeting adjourned.

**MEETING MINUTES FOR THE
HISTORIC LANDMARK COMMISSION
August 16, 2017**

The City of Bastrop Historic Landmark Commission met on Wednesday, August 21, 2017 at 6:00 p.m. in the Executive Chambers, 1311 Chestnut Street, Bastrop, Texas.

1. Call to order the Historic Landmark Commission.

Dan Hays-Clark called the meeting to order at 6:01 PM

- a. Roll call and confirmation of a quorum for the Historic Landmark Commission.

Christine Cartwright	<u>Present</u>	Susan Long	<u>Present</u>
Robbie Sanders	<u>Present</u>	Dan Hays-Clark	<u>Present</u>
Lisa Patterson	<u>Present</u>	Blake Kaiser	<u>Absent</u>
Kathryn Lang	<u>Absent</u>		

2. Citizen comments.

No comments.

3. Items for individual consideration

- a. Consideration and action to approve the June 21, 2017 meeting minutes.

Vote for item 3a was postponed to the next meeting because not enough members were present from the previous meeting on June 21, 2017.

- b. Consider action to approve a Certificate of Appropriateness for signage at "The 602 on Main", Building Block 4, West of Water Street being 0.304 acres, also known as 919 Main Street and Baxter's.

Rick Brackett, proprietor of "The 602 on Main" was present to answer questions regarding the signage proposed to the Commission. Applicant request to re-paint the front façade sign area with the new restaurant name.

Christine Cartwright made a motion to approve, seconded by Susan Long and the motion passed unanimously.

- c. Consider action to approve a Certificate of Appropriateness to enclose the patio with board and batten panels, at The 602 on Main, Building Block 4, West of Water Street being 0.304 acres, also known as 919 Main Street or Baxter's.

Rick Brackett, proprietor of "The 602 on Main" was present to answer questions regarding the enclosure for the patio proposed to the Commission. Applicant request to add board-and-batten panels to the existing patio sign area.

Pat Crawford made a motion to approve, seconded by Susan Long and the motion passed unanimously.

- d. Consider action to approve a Certificate of Appropriateness for signage, for the Lost Pines Art Bazaar, Building Block 9, West of Water Street being 0.1580 acres, also known as 603 Chestnut Street.

Jennifer Long was present on behalf of the applicant, KKG Investments LLC, for the proposed sign re-face and the addition of a new blade sign to be installed for the "Lost Pines Art Bazaar".

Susan Long made a motion to approve, seconded by Christine Cartwright and the motion passed unanimously.

4. Director's Report:
 - a) Direction from the Historic Landmark Commission on any items to be included on future agendas.

Review HLC ordinance and possible future amendments.

Councilman Peterson is the new City Council liaison for the HLC.

5. Adjourn.

At 6:34 PM Christine Cartwright made a motion to adjourn, seconded by Lisa Patterson and the meeting adjourned.

HISTORIC LANDMARK COMMISSION

STAFF REPORT



MEETING DATE: October 18, 2017

ITEM: 3B

TITLE:

Consider action to approve a Certificate of Appropriateness to install new signage for Simply Sweet, a cupcake business and The Branding Shop, a sewing and screen printing business housed in the building located at 1010 Main Street.

STAFF REPRESENTATIVE: Launa Eckert, Planning Technician

ITEM DETAILS:

The building located at 1010 Main Street, also known as the “C. R. Haynie Building,” was designated as a Historic Landmark April 3, 2003.

This property is zoned Form-Based Code, HMS-Historic Main Street Character Zone.

POLICY EXPLANATION:

In the Form Based Code (FBC), Historic Main Street character zone, the intended purpose is to “preserve and enhance the existing historic character of these Main Street blocks.” Also, Section 7.0, Building Design Standards, the FBC “shall establish a coherent urban character, preserve Bastrop historic heritage, and encourage enduring and attractive development.”

- a) New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with glazing, shading, and shelter;
- b) Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;
- c) Designs strengthen and celebrate Bastrop’s unique architectural traditions, and specifically Downtown Bastrop’s historic character;
- d) Building facades shall include appropriate architectural details and ornament to create variety and interest;
- e) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment; and
- f) Designs increase the quality, adaptability, and sustainability in Bastrop’s building stock.

Certificate of Appropriateness Section from the Ordinance:

Sec. 14.03.004 Certificate of appropriateness

(a) Requirement of certificate of appropriateness. No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark, nor shall any person make any material change in the signs, fences, or other exterior elements visible from a public right-of-way, which affect the appearance and cohesiveness of any historic landmark without an approved certificate of appropriateness.

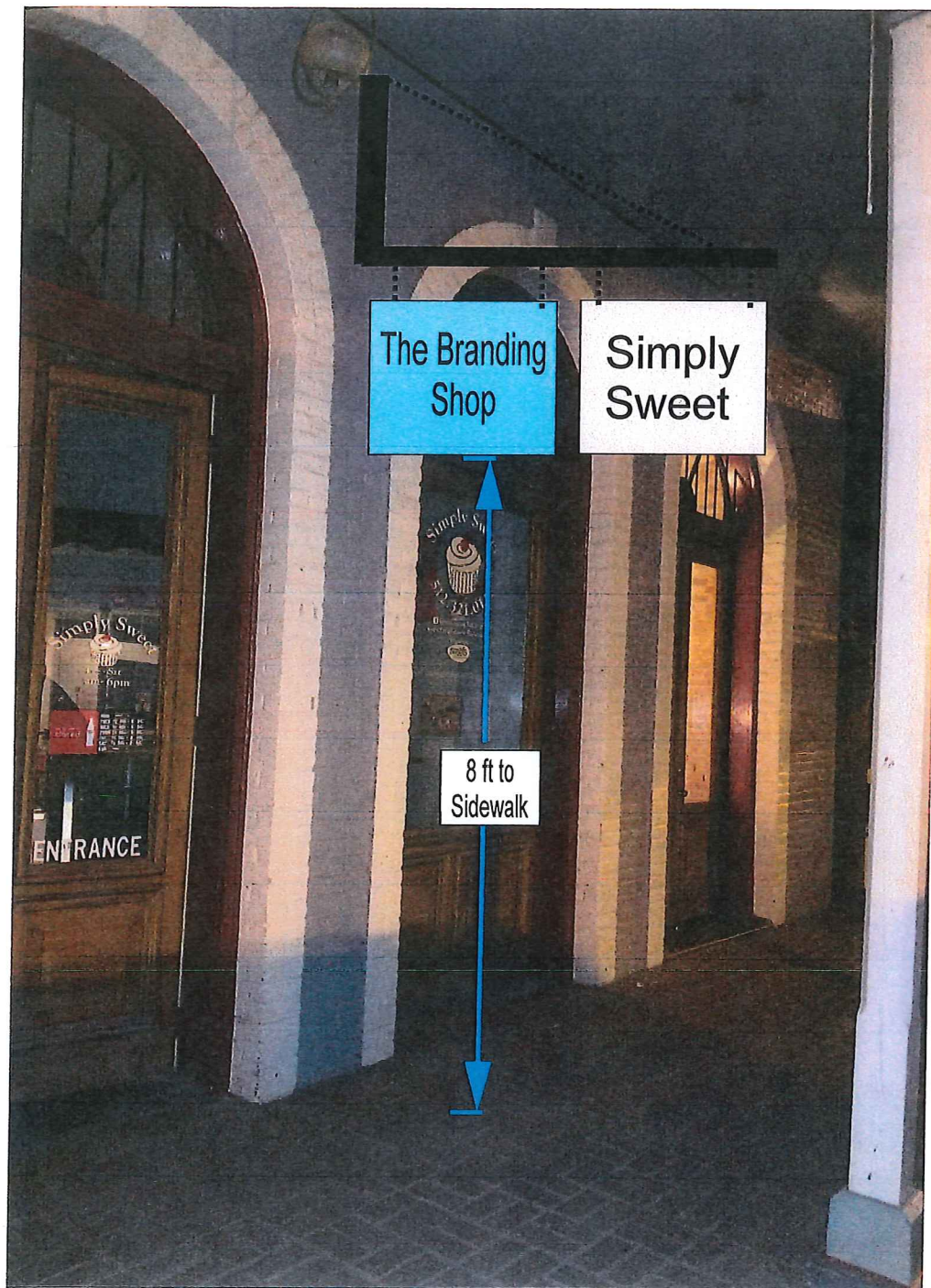
(b) Criteria for approval of a certificate of appropriateness. In considering an application for a certificate of appropriateness, the commission shall be guided by any adopted design standards, and where applicable, the following from the Secretary of the Interior’s standards for

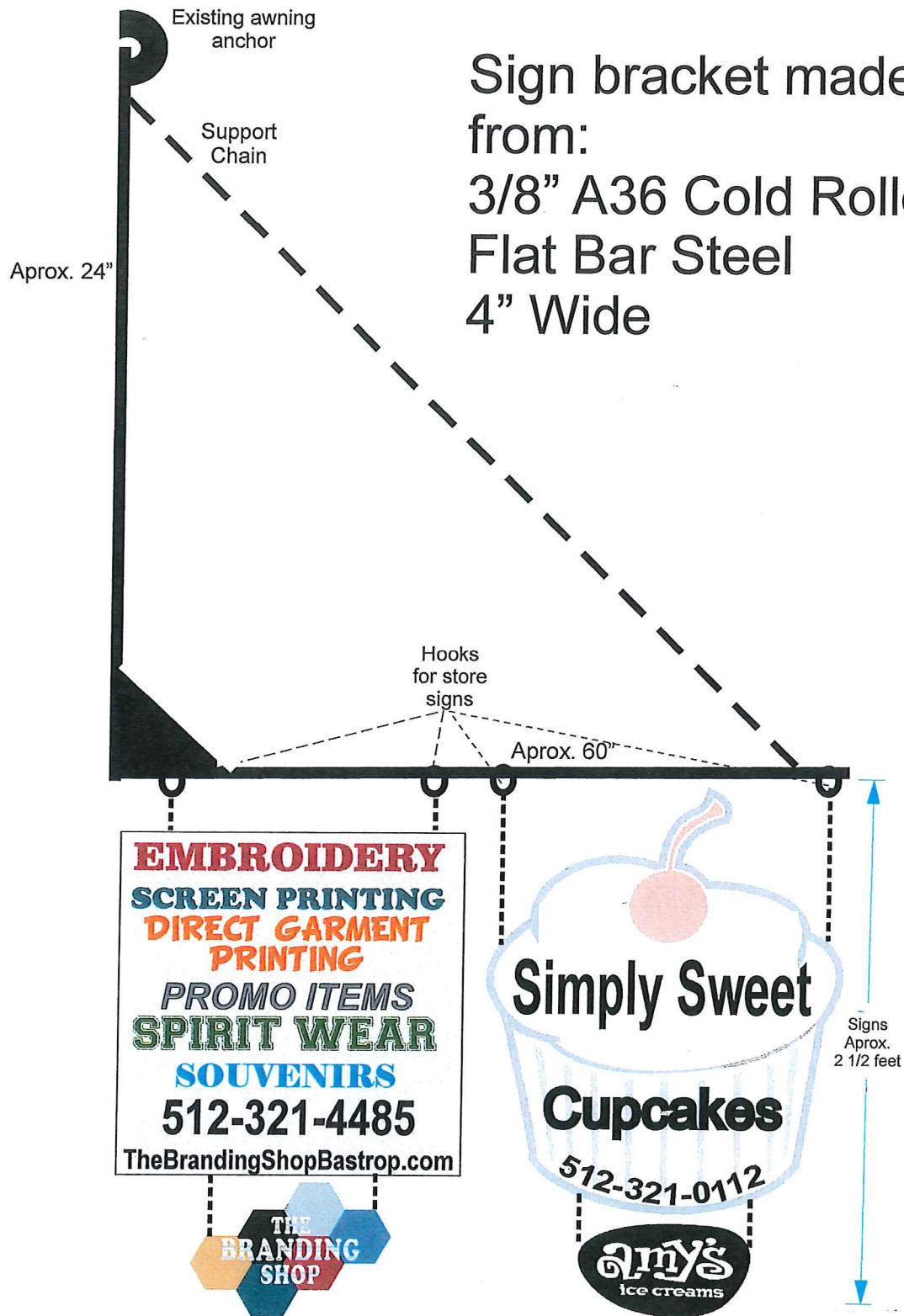
the rehabilitation of historic buildings. Any adopted design standards and Secretary of the Interior's standards shall be made to the property owners of historic landmarks.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize, a building, structure, object, or site shall be kept to the greatest extent practical.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other building or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, material, and character of the property, neighborhood, or environment.
- (10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

ATTACHMENTS:

Application for Historic Landmark Certificate of Appropriateness
Pictures of the existing building and plans for the new signage





Sign bracket made
from:
3/8" A36 Cold Rolled
Flat Bar Steel
4" Wide

EMBROIDERY
SCREEN PRINTING
DIRECT GARMENT
PRINTING
PROMO ITEMS
SPIRIT WEAR
SOUVENIRS
512-321-4485
TheBrandingShopBastrop.com



Signs
Aprox.
2 1/2 feet

HISTORIC LANDMARK COMMISSION

STAFF REPORT



MEETING DATE: October 18, 2017

ITEM: 3C

TITLE:

Presentation and discussion on the current Historic Landmark Commission Ordinance and schedule for review and possible update to the ordinance.

STAFF REPRESENTATIVE: Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

BACKGROUND/HISTORY:

The Historic Landmark Commission was created in 1998 to prioritize the protection, enhancement, and perpetuation of sites, landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

The last major update to the Historic Landmark Preservation Ordinance was adopted on October 23, 2007. Work was done in 2009-10 to update the ordinance in order to establish historic overlay districts and bring the ordinance up to Certified Local Government standards. The draft amendment went to City Council but was not approved. Since this draft was completed, the city has adopted the Form-Based Code, which contains standards that address some of the concerns of the revised ordinance. Additionally, the historic overlay districts would need to be compared to the FBC Character Zones for any possible contradictions.

The Texas Historical Commission manages the Certified Local Government (CLG) program. It is a local, state and federal government partnership for historic preservation. To qualify for CLG status the local government must:

1. Enforce state or local legislation that protects historic properties
2. Establish a qualified review commission composed of professional and lay members
3. Maintain a system for surveying and inventorying historic properties
4. Provide for public participation in the historic preservation process, including recommending properties to the National Register of Historic Places.

Staff has met with the THC representative to review the current ordinance. The CLG Coordinator provided specific comments on our current ordinance that need to be addressed to meet the state requirements (Attachment 2). Once we receive CLG status, the city will be eligible to apply for grants that would fund the creation of design guidelines and update historic structures and sites inventory.

POLICY EXPLANATION:

City Council identified Historic Landmark Ordinance Review as one of the priorities for Fiscal Year 2018. This has been further defined in the five year Organizational Work Plan that was developed by the City Manager.

8. Uniquely Bastrop

Maintain and enhance our historic community feel by leveraging the unique combination of community, cultural and recreational assets that make Bastrop a special place to live and work.

UB#2: Strengthen local preservation ordinance and obtain Certified Local Government designation.

Responsible Parties	Planning & Zoning; Hospitality & Downtown	Quarters:	2-4
Comprehensive Plan:	8.3.3	Council Priority:	Uniquely Bastrop
Funding Source:	N/A	Secondary Focus Areas:	Economic Vitality, Manage Growth

UB#12: Apply for funding to develop design guidelines for the Historic District.

Responsible Parties	Hospitality & Downtown; Planning & Zoning	Quarters:	FY 2019
Comprehensive Plan:	8.3.3	Council Priority:	Uniquely Bastrop
Funding Source:	Grants	Secondary Focus Areas:	Economic Vitality, Organizational Excellence, Fiscal Responsibility

RECOMMENDATION:

Review the current ordinance and comments from the Texas Historical Commission CLG Coordinator.

Set the following schedule to begin work on the new ordinance to be taken to City Council for adoption in August/September 2018.

Quarter	HLC Meeting Dates	Milestones
2nd Jan-Mar	January 18th	Establish goals for the ordinance update
	February 21st	Review previous draft language from 2010, Sample ordinances and THC comments
	March 21st	Prepare frame work for new ordinance
3rd Apr-June	April 18th	Prepare draft ordinance
	May 16th	Finalize draft ordinance and send for legal review
	June 20th	Prepare for workshop and Public Hearing with P&Z
4th July-Sept	July 18th	Finish any revisions from P&Z comments Prepare for workshop and Public Hearing with City Council
	August 15th	Review any revision from City Council
	September 19th	Work on Certified Local Government Application

ATTACHMENTS:

Attachment 1: Current Historic Landmark Preservation Ordinance with THC markup

Attachment 2: Texas Historical Commission Comments

ARTICLE 14.03 - HISTORIC LANDMARK PRESERVATION

Sec. 14.03.001 - General.

(a) *Purpose and intent.* The City Council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of sites, landmarks or districts 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 the city represents 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 article is intended to:

- (1) Protect and enhance the landmarks which represent distinctive elements of the city's historic, architectural, and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance the city's attractiveness to visitors, thereby supporting and stimulating the economy;
- (4) Insure the harmonious, orderly, and efficient growth and development of the city;
- (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.

(b) *Definitions.* The following definitions shall apply to this article.

Alteration. A physical change in or to the exterior of a building.

Architectural control. Regulations governing the appearance or architectural style of buildings or structures.


Building. A building, such as a house, barn, church, hotel, or similar construction that is created to shelter any form of human activity. Building also may be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Case law. This is the body of law developed through hearings and judgments of specific issues (cases) by courts of law.

Certificate of appropriateness. A signed and dated document evidencing the approval of the landmark commission for work proposed by an owner or applicant.

Comprehensive plan. A document or series of documents prepared by a planning commission or department setting forth policies for the future of a community.

Demolition. An act or process which:

- (1) Destroys a site or structure in its entirety;
- (2) Destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity; or
-  (3) Removes the structure from the original site without the requisite certificate of appropriateness and/or moving permit.

Design review. The decision-making process conducted by an established review committee of a local government that is guided by the terms set in the historic preservation ordinance.

Design review guidelines. These are a set of guidelines adopted by the commission that details acceptable alterations of designated properties. They are usually generously illustrated and written in a manner that would be understood by most property owners.

District. A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic landmark. A site, and all structure(s), and/or building(s) located thereon that are designated as historic, as per the criteria contained in this article, and which satisfy(ies) two or more of the criteria set out in section 14.03.002(c)(2).



Historic property. A district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level.

Historic resource. This generally is the same as a historic property. It includes architectural, historical, and archeological properties as well as landscape features.

Integrity. The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.



Inventory. A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Object. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in a designed landscape.



Ordinary maintenance. This generally refers to activities relating to a property that would be considered ordinary or common for maintaining the property, such as the replacement of a porch floor with identical or in-kind materials. It also may include other activities such as painting.

Summary of Comments on Bastrop, TX Code of Ordinances

Page: 2

	Number: 1	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 2:31:34 PM
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THC recommends having a separate section dedicated to the relocation of historic structures.

	Number: 2	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 2:32:08 PM
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Recommend getting rid of this definition since it is not used in the ordinance.

	Number: 3	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 2:32:30 PM
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Recommend getting rid of this ordinance as it is not used in the ordinance.

	Number: 4	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 2:44:30 PM
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Recommend expanding on this definition. For example, San Antonio follows this statement with the following:

a)Repair using the same material and design as the original and does not require structural modifications

b)Repainting, using the same color

c)Reroofing, using the same type and color of material

d)Repair of sidewalks and driveways using the same type and color of materials

****Or**** This example from Galveston: *Ordinary Repair and Maintenance* means any work, the purpose and effect of which is to correct any deterioration or decay of, or damage to a building, object or structure, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials, or those materials available which are as close as possible to the original. In-kind replacement, or repair, is included in this definition. " In-kind replacement " means the replacement of an element with a new element of the same material, color, texture, shape and form as the original.

Overlay zones. A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Police power. The authority of government to exercise controls to protect the public's health, safety, morals, and general welfare.



Preservation. The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Preservation planning. This refers to the planning for the continued identification and evaluation of historic properties and for their protection and enhancement.



Qualifying structure. A structure located on a historic landmark designated property that meets a minimum of two (2) of the general criteria established for a significant landmark and received the designation of qualifying structure during the approval process of the historic landmark designation, or has received a certificate of appropriateness through this article.



Rehabilitation. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Significant landmark. A site, and all structure(s), and/or building(s) located thereon, which satisfy(ies) two or more of the criteria set out in section 14.03.002(c)(1).

Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

Structure. The term "structure" as used herein includes buildings and other structures in addition to those constructions usually intended for creating shelter.

(c) *Historic landmark commission created.* There is hereby created a commission to be known as the city historic landmark commission.

(1) The commission shall consist of seven members, residents of the city, to be appointed by the mayor with approval by the City Council as follows.



- (A) One shall be an architect, planner, or representative of a design profession;
- (B) One shall be a representative elected by the county historical society;
- (C) One shall be a licensed real estate professional;
- (D) One shall be an owner of an historic commercial structure or property;
- (E) One shall be an owner of an historic residential structure or property;

Page: 3



Number: 1

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:44:54 PM

Use this definition: *Preservation* shall mean the stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.



Number: 2

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:45:50 PM

This idea is very confusing, and is probably unnecessary.



Number: 3

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:45:12 PM

Use this definition: *Rehabilitation* means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.



Number: 4

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:49:02 PM

Recommend broadening this so that it's not as difficult to fully appoint the commission. Consider two at-large positions. Or, offer a statement before this saying that "every effort will be made to find professionals who meet the criteria below; however, if specified professionals cannot be appointed, City Council will consider other types of professionals."

- (F) One shall be a member from the city's Planning and Zoning Commission;
- (G) One shall be a general resident of the city.
- (2) All commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the city.
- (3) Commission members shall serve for a term of three (3) years, with the exception of the member who is serving on the commission as the Planning and Zoning Commission representative, and that member shall serve for a term that is concurrent with that member's Planning and Zoning Commission term.
- (4) Each seat on the commission will be assigned a "place." Commission members' terms of service shall be "staggered," so that the entire membership of the commission will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the commission membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), "draw lots" to determine which "place" will have what number of service in the transition period (e.g., one-third (1/3) of the places will draw for one-year terms, one-third (1/3) of the places will draw for two-year terms, and the remaining one-third (1/3) of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.
- (5) In the event of a vacancy on the commission, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.
- (6) Attendance requirements for the commission members are set forth in this code, section 1.02.002(b), et seq.
- (7) The commission shall be empowered to:
 - (A) Prepare rules and procedures as necessary to carry out the business of the commission, which shall be ratified by the City Council.
 - (B) Adopt criteria for the designation of historic, architectural, and cultural landmarks, which shall be ratified by the City Council.
 - (C) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks.
 - (D) Recommend the designation of resources as significant landmarks and/or historic landmarks.
 - (E) Create committees from among its membership and delegate to these committees responsibilities to carry out the purpose of this article.
 - (F) Elect a secretary of the commission who shall maintain written minutes which record all actions taken by the commission and the reasons for taking such actions, and file a copy of said minutes with the City Secretary.
 - (G)





Recommend conferral of recognition upon the owners of landmarks by means of certificates, plaques, or markers.

- (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 government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
- (J) Approve or disapprove applications for certificates of appropriateness, demolition or removal, and economic hardship pursuant to this article.
- (K) Hold hearings on demolition by neglect pursuant to this article.
- (L) Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
- (M) Propose tax abatements and other incentive programs for landmarks.
- (N) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the commission.
- (O) Prepare and adopt design guidelines for the exteriors of historic landmarks¹, to address architectural and general design elements of structures, including acceptable materials for construction; appropriate architectural character, scale, and detail; acceptable appurtenances or additions to new or existing structures; and acceptable textures and ornamentation.

(8) The commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairman, or on the written request of any two commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, V.T.C.A. Government Code, ch. 551.

(d) ²*Appointment of historic preservation officer.* The chairman of the commission shall serve as historic preservation officer. This officer, working in coordination with the city planner, shall administer this article and advise the commission on matters submitted to it. In addition to serving as representative of the commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

(Ord. No. 2007-30, § 1, 10-23-07; Ord. No. 2014-2, 3-25-14)

Sec. 14.03.002 - Categories of preservation.

(a) ³*Establishment of categories.* There shall be two categories of preservation for historically, culturally, architecturally or archaeologically significant properties in the city, as follows:

- (1) Significant landmark; and
- (2) Historic landmark.

(b) *General criteria.* The criteria to be applied in order to determine whether structures qualify for designation as a significant landmark or historic landmark are as follows:



Number: 1

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:50:13 PM

And, properties located inside historic districts.



Number: 2

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:51:22 PM

The Chair should not be the HPO. The HPO should be a city staff person, ideally located within the Planning Department. The HPO should meet the Secretary of the Interior's Professional Qualifications Standards.




Number: 3

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 2:51:47 PM

Add a category for historic districts.

- (1) Possesses significance in history, architecture, archeology, or culture.
 - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) Is associated with the lives of persons significant in our past.
 - (4) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (5) Represents the work of a master designer, builder, or craftsman.
 - (6) Represents an established and familiar visual feature of the city.
 - (7) Is designated as a recorded state historic landmark or state archeological landmark, or is included on the National Register of Historic Places.
- (c) *Criteria for individual categories.*
-  *Significant landmark.* A structure, building or site may be designated as a significant landmark if it meets two or more of the criteria set out in subsection (b).
- (2) *Historic landmark.* A structure, building or site may be designated as an historic landmark if it has already met the criteria as a significant landmark by the city, and, if the owner of said property agrees to the additional designation of historic landmark and thereby agrees to comply with all procedures and regulations associated with historic landmarks within this article.
- (d) *Designation of significant landmarks.*
- (1) These provisions pertaining to the designation of significant landmarks constitute a part of the comprehensive zoning ordinance and the official zoning map of the city.
 - (2) Owners of proposed significant landmarks shall be notified prior to the commission hearing on the recommended designation. Such hearing shall be conducted in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city. At the commission'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 significant landmark.
 - (3) Upon recommendation of the commission, the proposed significant landmark shall be submitted to the Planning and Zoning Commission within thirty (30) days from the date of submittal of the designation request. The Planning and Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the commission. Such hearing shall be conducted in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city. The zoning commission shall make its recommendation to the City Council within forty-five (45) days subsequent to the hearing on the proposed designation.
 - (4) The City Council shall schedule a hearing on the commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the zoning commission. The City Council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided in the general zoning ordinance of the city.



Number: 1

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 3:02:20 PM

Having two types of landmarks is confusing. THC recommends having one type of landmark which offers protection (like the historic landmark) and then having an inventory of historic resources list the properties that are "high priority". If two types of landmarks is preferred, consider renaming one so that they sound different and avoid confusion.

- (5) Upon designation of a structure as a significant landmark, the City Council shall use the designation to be recorded in the official real property records of the county. All zoning maps shall be amended to indicate the location of the designated structures with an appropriate mark, and the property owner shall be notified in writing of such designation.
- (6) Sites, structures and/or buildings that are designated as significant landmarks shall retain such designation until such time as the City Council, upon receipt of formal request from the owner and recommendation from the commission, removes such designation by formal Council action. Prior to making its recommendation to the City Council, the commission shall hold at least one public hearing on each request, as per the notice and hearing provisions set forth in Local Government Code chapter 211, as amended from time to time. Written notice of all public hearings on proposed changes to a significant landmark designation shall be sent to all owners of property located within two hundred (200) feet of the designated property, and the notice shall be sent a minimum of ten (10) days before a hearing is held. Notices may be sent to land owners by certified and/or regular first class US mail, to the last known address shown on the current approved county tax appraisal roll.
- (e) *Designation of historic landmarks.*
- (1) Following designation of a structure as a significant landmark, the owner/owners of the significant landmark may apply to the commission for an additional designation as an historic landmark.
- (2) After receipt of a completed application for historic landmark designation, and approval of the application by the commission, the owner/owners of the designated property shall enter into a contract with the commission to maintain the designated property according to this article and design guidelines adopted by the landmark commission ("contract"). After final execution of the contract and approval of City Council, the owner/owners of the designated property shall be entitled to all incentives set forth in section 14.03.003. The city shall file a copy of the contract in the county real property records.
- (3) Upon designation of a structure as an historic landmark, the city shall cause the designation to be reflected in the tax records of the city. Further, all related municipal zoning maps will be amended to indicate the location of the designated structure(s) with an appropriate mark. The property owner will be promptly notified, in writing, of an historic landmark designation.
- (f) *Relationship of designations to zoning.*
- (1) Designation of a structure by the city as a significant landmark or as an historic landmark is intended to function as a zoning overlay, which supplements the primary underlying city zoning district classification. The permitted uses of a designated property shall be determined and controlled by the use regulations detailed in the primary zoning district classification for the designated property.
- (2) If there is any conflict between the design guidelines and any provision of the zoning ordinance, the most restrictive regulation shall apply.
- (3)



Number: 1 Author: madelinec Subject: Sticky Note Date: 5/22/2017 3:08:56 PM

What criteria will the commission use to determine whether or not to de-designate a building?



Number: 2 Author: madelinec Subject: Sticky Note Date: 5/22/2017 3:09:24 PM

The zoning regulations should act as a contract. I don't think an official contract is needed.

If there is any conflict between the provisions of this section and any other provision of the zoning ordinance, the most restrictive regulation shall apply, in the absence of a specific directive to the contrary. The designation of a property shall be subject to review by the commission, the Planning and Zoning Commission shall then recommend such designation to City Council, who shall be the formal authority, in accordance with the zoning ordinance and state law.



1. No. 2007-30, § 2, 10-23-07)

Sec. 14.03.003 - Incentives for historic landmarks.

- (a) *Purpose of incentives.* The purpose of this section is to encourage historic preservation by providing incentives for the stabilization, rehabilitation and renovation of properties designated as historic landmarks.
- (b) *Incentives.*
 - (1) *Exemption from city taxes on structure.* A structure designated as an historic landmark may be exempt from a portion of the ad valorem taxes owed to the city, commencing on the first day of the tax year following such designation, and following passage by Council of an ordinance declaring such an exemption. The exemption shall relate only to taxes owed on the assessed value of the qualifying structure(s). The exemption shall be administered in the form of a refund by the city of a portion of the taxes paid on the qualifying structure. All such refunds shall be based on a uniform percentage of the assessed value, determined by the City Council, each budget year, which can be financed by the amount of general funds appropriated for such refunds. It is expressly provided, however, that such refunds shall be no less than 0.15% and no greater than 0.2245% of the assessed value of the qualifying structure. The assessed value of the land on which such structure is located shall not be exempt from city ad valorem taxes pursuant to this section. Eligibility for such tax exemption shall require compliance with all requirements of this article, including section 14.03.008.
 - (2) Structures meeting the definition of a qualifying structure after the original designation of an historic landmark may be included in the tax exemption upon the request for inclusion by the owner(s) and upon approval of the City Council.
 - (3) *Historic landmark marker.* Owners of historic landmarks shall be presented with an official city historic landmark marker to so designate their structure. All costs of said marker shall be borne by the city.
- (c) *Review by City Council.* Upon completion of the historic landmark agreement, the historic preservation officer shall forward the completed agreement to City Council for final approval. Approval by Council shall constitute a finding that the structure is an historically significant site in need of tax relief in accordance with section 11.24 of the Texas Property Tax Code. The City Manager shall insure that written notice of approval of the tax incentive is given to the chief appraiser of the county appraisal



Number: 1

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 3:10:38 PM

How are districts designated?

district and to the city finance director. Thereafter, the city shall provide the property with documentation of the applicable tax incentive commencing on January 1st of the tax year immediately following the year in which the agreement is finalized.

- (d) *Alteration or destruction of historic landmark.* In order to maintain eligibility for incentives in accordance with this article, the owner, owner's agents, contractors and/or representatives shall not alter or totally or partially destroy an historic landmark without first obtaining an approved certificate of appropriateness or demolition permit from the commission and/or city. In the event that the historic landmark is altered or totally or partially destroyed without an approved certificate of appropriateness or demolition permit, the owner shall restore the structure to its original state, within a reasonable period of time as determined by the commission. No incentives will apply during the time that the owner is restoring the property. Failure to restore the historical landmark to its pre-destruction condition shall subject the owner to the penalties set forth in section 14.03.009 of this article and the owner shall:
- (1) No longer be entitled to the incentives set forth herein; and/or
 - (2) Immediately remit to the city monies in an amount equal to the total city tax revenues that were not paid because of the exemption, plus interest calculated at an annual rate of ten percent (10%).
- (e) *Transferability of benefits.* The benefits of this incentive program relating to structures designated historic landmark are transferable and run with the property. The terms of the contract shall automatically carry forward to all new, subsequent owner(s), without further notice to any party or further action by the commission, city or owner. New owner(s) who desire to have the designation, exemption and contractual rights and obligations removed from their property, may do so by filing a written petition with the city, requesting removal of the designation. The petition for removal of designation shall be filed with the city's Director of Planning no later than thirty (30) days following the owner's actual notice of the designation. Upon removal of the designation of historic landmark, the property in question shall revert to the designation of significant landmark.

(Ord. No. 2007-30, § 3, 10-23-07)

Sec. 14.03.004 - Certificate of appropriateness.

- (a) Requirement of certificate of appropriateness. No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark, nor shall any person make any material change in the signs, fences, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark without an approved certificate of appropriateness.
- (b) Criteria for approval of a certificate of appropriateness. In considering an application for a certificate of appropriateness, the commission shall be guided by any adopted design standards, and where applicable, the following from the Secretary of the Interior's standards for the rehabilitation of historic



Number: 1

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 3:12:19 PM

The de-designation process of a historic landmark should involve the commission's review and public hearing process.

buildings. Any adopted design standards and Secretary of the Interior's standards shall be made to the property owners of historic landmarks.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize, a building, structure, object, or site shall be kept to the greatest extent practical.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other building or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, material, and character of the property, neighborhood, or environment.
- (10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

(c) *Certificate of appropriateness application procedure.*

- (1) No building permit requiring a certificate of appropriateness shall be issued until such certificate of appropriateness has first been issued by the commission. The certificate of appropriateness required by this article shall be in addition to and not in lieu of any building permit that may be

required by any other ordinance of the city. The building official shall deny any application for a building permit to a structure or a site that requires, but does not have, a certificate of appropriateness.

- (2) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate. The application shall contain at a minimum:
 - (A) Name, address, telephone number of applicant, detailed description of proposed work.
 - (B) Location and photograph of the property changes.
 - (C) Elevation drawings, photographs, or illustrations of the proposed changes.
 - (D) Samples of materials to be used.
 - (E) If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
 - (F) Any other information which the commission may deem necessary in order to visualize the proposed work.
- (3) The commission shall review the application at a regularly scheduled meeting within thirty (30) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The commission shall approve, deny, or approve with modifications the permit, within forty-five (45) days after the review meeting, provided, both review and action may occur at the same meeting. In the event the commission does not act within seventy-five (75) days of the receipt of the application, a permit will be deemed granted.
- (4) All decisions of the commission shall be in writing. The commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate city departments, e.g., building inspection.
- (5) An applicant for a certificate of appropriateness who is dissatisfied with the action of the commission, relating to the issuance and/or denial of a certificate of appropriateness shall have the right to appeal the commission's determination to the City Council, by using the appeal process set forth in section 14.03.010 of this article.
- (6) Property owners shall apply for and be issued a building permit within one (1) year from the date the commission grants the certificate of appropriateness, provided however, that the commission, at its sole discretion, may authorize an owner to have one extension of an additional six (6) months to obtain the necessary building permit, upon demonstration of a reasonable need for such an extension. The certificate of appropriateness shall expire if a building permit becomes null and void prior to the issuance of a certificate of occupancy.

(d) *Enforcement.*

- (1)

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any conditions or requirements included therein. It shall be the duty of the building inspector or his designee to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, the building official or his designee 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.





- (2) A stop-work order may be lifted following submission and approval of plans for corrective action or work, or other plans to bring the project into compliance with the conditions or requirements of the certificate of appropriateness or other approvals.

(Ord. No. 2007-30, § 4, 10-23-07)

Sec. 14.03.005 - Demolition permits.

(a) *Demolition/removal application procedure.*

- (1) If an application is received for demolition or removal of a state, or federally designated historical structure or a city-designated significant or historic landmark, the building official shall immediately forward the application to the commission. The commission shall hold a public hearing on the application within thirty days after the application is initially filed with the building official. The applicant shall be given ten-days' written notice of the hearing. The commission shall consider the historic value, the state of repair of the building, the reasonableness of the cost of restoration or repair, the existing and potential usefulness, including the economic usefulness, of the building, the reasons for preserving the structure as a significant historic landmark, the character of the neighborhood, and all other factors it finds appropriate. If the commission determines, based on the evidence presented, that the cost of restoration or repair would render the property incapable of earning a reasonable return, or if the commission determines that the interest of preserving historic values will not be adversely affected by such demolition or removal or that the interest of preserving historical values can best be served by the removal of the structure to another specified location, it shall issue a certificate of demolition or a certificate of removal to the building official, and the building official shall so advise the applicant within five days therefrom.
- (2) If no action has been taken by the commission within sixty days of original receipt by the commission of the application, a certificate of demolition or a certificate of removal shall be deemed issued by the commission and the building official shall so advise the applicant.
- (3) After a decision is reached by the commission denying an application for a certificate of demolition or a certificate of removal (either of which may be appealed to City Council), a resubmittal of application for such certificate will not be accepted for additional hearing within a twelve-month period from the date of final decision, unless the commission determines, after reviewing a written request of the application, that there has been a change in conditions sufficient to warrant an earlier rehearing.

	Number: 1	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 3:15:45 PM
Automatically protecting federally and state designated properties could be problematic because the case there was not public review process. The THC recommends that cities locally designate federal and state designated properties through their own process so that there is adequate due process.				
	Number: 2	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 3:13:37 PM
Does removal also mean "relocation"? If so, THC recommends addressing relocation is a separate section.				
	Number: 3	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 3:16:41 PM
Cost of repairs or rehabilitation should not be a factor in considering a demolition application. The economic hardship application will take care of this.				
	Number: 4	Author: madelinec	Subject: Sticky Note	Date: 5/22/2017 3:17:48 PM
Spell out the criteria for reviewing a demolition application with specific criteria. That way the commission is clear about what criteria they use to judge an application.				

- (4) The city shall provide written notice of its receipt of an application for demolition and/or an appeal of a decision by the commission related to an application to all property owners located within two hundred (200) feet of the property proposed to be demolished.
- (b) *Nonapplication of demolition procedure.* Subsection (a) of this section shall not apply whenever the City Engineer, the building official or the fire marshal proceeds under city ordinances dealing with unsafe buildings. In such case, the City Council, after the appropriate notice and hearing, may order the building or structure or part thereof repaired, removed or demolished as provided by city ordinance without regard to the historic designation on the building or structure or part thereof; but in no event may the City Council take such action unless it determines that the building or structure or part thereof is unsafe and dangerous so as to endanger persons or property or is a fire hazard, and that such danger or hazard is so great and so immediate that subsection (a) of this section should be circumvented to prevent immediate and substantial harm to persons or property. Such a determination by the City Council shall be final and there shall be no appeal.

(Ord. No. 2007-30, § 5, 10-23-07)

Sec. 14.03.006 - Economic hardship.


- (a) *Economic hardship application procedure.*
- (1) After receiving written notification from the commission of the denial of a certificate of appropriateness, or an application to demolish, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the commission makes a finding that hardship exists.
- (2) When a claim of economic hardship is made due to the effect of this article, the owner must prove that:
- (A) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (B) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (C) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (3) The applicant shall consult in good faith with the commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the commission.
- (4) The commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the either the building inspector or the preservation officer. Following the hearing, the commission has thirty (30) days in which to prepare a written recommendation to the building inspector or other official. In the event that the commission does not act within ninety (90) days of the receipt of the application, a permit may be granted by the building inspector.
- (5)

All decisions of the commission shall be in writing. A copy shall be sent to the applicant by certified mail and a copy filed with the city clerk's office for public inspection. The commission's decision shall state the reasons for granting or denying the hardship application.

- (6) An applicant submitting a hardship application who is dissatisfied with the decision of the commission relating to the approval or denial of such application shall have the right to appeal the commission's decision to the City Council by using the appeal process set forth in section 14.03.010 of this article.


(Ord. No. 2007-30, § 6, 10-23-07)

Sec. 14.03.007 - Ordinary maintenance.

Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property which does not involve a change in design, material, or outward appearance. Exterior paint color is included as ordinary maintenance. In-kind replacement or repair is included in this definition of ordinary maintenance. 1, however, that this section shall not eliminate any requirement for a building permit. If the building inspector believes that the work does not constitute ordinary maintenance under the terms of this section, he shall refer the application to the historic preservation officer.

(Ord. No. 2007-30, § 7, 10-23-07)

Sec. 14.03.008 - Demolition by neglect.

- (a) *State of demolition by neglect.* No owner or person with an interest in real property that is designated as a significant or historic landmark or a site or structure that has been certified, registered or 2 designated by any federal, state or other authorized body/entity as having historical significance, 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 commission, produce a detrimental effect upon the character of landmark as a whole or the life and character of the property itself.

Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports.
- (2) Deterioration of roofs or other horizontal members.
- (3) Deterioration of exterior chimneys.
- (4) Deterioration or crumbling of exterior stucco or mortar.
- (5) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (6) 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.

- (b) *Demolition by neglect hearing procedure.*



Number: 1 Author: madelinec Subject: Sticky Note Date: 5/22/2017 3:18:47 PM

This is the job of the HPO, not the building inspector.



Number: 2 Author: madelinec Subject: Sticky Note Date: 5/22/2017 3:19:18 PM

Again, putting restrictions on federal or state designated properties may be an issue with due process.

- (1) Upon notification to the commission of such a state of disrepair, the commission shall notify the owner in writing, informing the owner of the complaint and specifics of the alleged deterioration, requesting that the owner appear before the commission for a fuller and more accurate determination of the existence of detrimental deterioration.
- (2) If, after a hearing before the commission, the commission determines that the deterioration has produced a detrimental effect as described in subsection (a) of this section, the owner shall cure the deterioration by restoration or other appropriate actions within a reasonable period of time as determined by the commission. The owner must comply with all requirements of requesting a certificate of appropriateness from the commission. This may be requested at the time of the hearing in subsection (1). Failure of the owner to cure the deterioration within the time specified by the commission shall cause the structure to be ineligible in that tax year for the tax exemption described in section 14.03.003(b)(1) above and subject to penalties as defined in section 14.03.009.
- (3) A property owner dissatisfied with the action of the commission relating to a commission finding in this section shall have the right to appeal by using the process set forth in section 14.03.010 of this article.

(Ord. No. 2007-30, § 8, 10-23-07)

Sec. 14.03.009 - Penalties.

Violators of any of the provisions set out above shall be cited and subject to a fine not to exceed the amount as set out in section 48 of the city zoning ordinance, as amended.

(Ord. No. 2007-30, § 9, 10-23-07)

Sec. 14.03.010 - Appeals to Council.

Owner(s) of property that is subject to this article and/or who are dissatisfied with an action or decision of the commission, taken while applying and/or interpreting this article, may appeal the commission's decision to the City Council by filing a written request for a review of the decision, submitted to the City Manager, within thirty (30) days after receipt of notification of the commission's decision and/or action. To be considered, the appeal shall set forth the grounds for such appeal and shall provide the city with any pertinent evidence and all related documentation related to the appeal. Upon receipt of an appeal, the City Council will provide notice of the appeal, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

(Ord. No. 2007-30, § 10, 10-23-07)



Number: 1

Author: madelinec Subject: Sticky Note

Date: 5/22/2017 3:19:58 PM

Should mention that the City Council will be using the same criteria as the Historic Landmark Commission to judge all appeals.

Comments on Bastrop's Preservation Ordinance

The CLG Program considers the following when reviewing preservation ordinances:

1. Purpose of the ordinance is clearly stated.
 - a. Bastrop does this well
2. Must establish a board or commission, and explain their duties.
 - a. Yes; however, one of the commission's responsibilities is to recommend districts for designation, so this would need to be added.
3. Must appoint a city Historic Preservation Officer (HPO).
 - a. Yes; however, it is not appropriate for the chair of the historic landmark commission to also be the HPO. Ideally, this is a Planning Department staff person with experience and knowledge in historic preservation and who meets the Secretary of the Interior's Professional Qualification Standards.
4. Must establish a process for designating individual properties and districts.
 - a. Bastrop does this for landmarks, but needs to set up a system to designate districts.
5. Criteria for designating properties and districts must be based on the National Register for Historic Places criteria, but can be modified for local use.
 - a. Yes, Bastrop does this; however, districts need to be added.
6. Commission must be able to locally designate properties, or recommend designation to the jurisdiction's governing body.
 - a. Yes, Bastrop does this; however, districts need to be added.
7. Must follow municipal zoning codes, and detail how a designated historic property's zoning changes after designation.
 - a. Yes, however, Bastrop also requires a contract to be signed. The designation should be enforced by local zoning and it should remain even when the property is bought, sold, or transferred.
8. Must establish provisions for the Certificate of Appropriateness application review for locally designated properties and districts.
 - a. Yes, Bastrop does this; however, properties in districts also need to be reviewed.
9. The criteria for the Certificate of Appropriateness review must be based on and consistent with the Secretary of the Interior's Standards for Rehabilitation.
 - a. Bastrop's ordinance meets this requirement.
10. Must lay out how it will enforce the protection of locally designated historic properties.
 - a. Bastrop's ordinance meets this requirement; however, properties in districts also need to be protected.
11. Must describe the path to appeal a decision made by the commission/board.
 - a. Bastrop does this; however, the explanation of the process could be explained better so that it is clearer. Also, the appeals board or City Council needs to use the same criteria the historic landmark commission used when making their decision (this needs to be stipulated in the ordinance.)
12. Must address demolition by neglect.
 - a. Yes, Bastrop's ordinance does this.
13. Must include a 60-day stay on the demolition of designated historic properties.
 - a. A true "stay" does not exist in the Bastrop ordinance. The language should be clear that all demolition permits have a required stay of 60 days.