



City of Fredericksburg

Historic Review Board Special Meeting Agenda
Thursday, September 12, 2024 ~ 9:00 AM
John Klein Meeting Room
115 N Crockett Street
Fredericksburg, Texas 78624

David Bullion, Chair
Jessica Mittel, Vice Chair
Cyd Donnell, Member
Sharon Joseph, Member
Robin Cowsar, Member

Todd Eidson, Member
Joe Salinas, Jr., Member
Amy Slaughter, Member
Donna Sanders, Member

The City of Fredericksburg Historic Review Board will meet in a special session on September 12, 2024, at 9:00 am.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION ITEMS**
 - A. Historic Preservation Ordinance
 - B. Development Process
 - C. Penalties and Enforcement
 - D. Research and Resources
 - E. Best Practices
4. **ADJOURN**

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda before 5:00pm. on September 6, 2024 on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Jan Musgrove

Jan Musgrove
Planner 1

Ordinance No. 27-007

AN ORDINANCE AMENDING AND RESTATING THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF FREDERICKSBURG TO ADD THE POSITION OF HISTORIC PRESERVATION OFFICER; TO REMOVE CERTIFICATES OF REVIEW, TO BETTER DEFINE THE RECOURCES OF THE CITY WHICH ARE SUBJECT TO REVIEW, TO AMEND THE GENERAL DEFINITIONS, TO ESTABLISH A PROCEDURE FOR ORDINARY REPAIR AND MAINTENANCE, TO CLARIFY THE ROLES OF THE CITY COUNCIL, THE HISTORIC REVIEW BOARD AND THE BOARD OF ADJUSTMENT, TO AMEND THE PROVISIONS REGARDING DEMOLITION, REMOVAL AND RELOCATION OF HISTORIC RESOURCES, TO AMEND THE APPEAL PROCESS, PROVIDE FOR APPLICATION FEES, PROVIDE FOR ENFORCEMENT, SEVERABILITY, REPEAL OF INCONSISTENT PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fredericksburg has determined that in order to establish the position of Historic Preservation Officer for the City of Fredericksburg and to better protect the City's historic resources, and in furtherance of the purposes outlined below, that the existing historic preservation ordinance of the City should be amended as follows; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT THE CODE OF ORDINANCES, CHAPTER 23, PLANNING ARTICLE III, HISTORIC PRESERVATION AND CHAPTER 5, BUILDINGS AND BUILDING REGULATION, ARTICLE III, SECTION 5-48. BUILDING PERMITS BE AMENDED AS FOLLOWS:

ARTICLE III. - HISTORIC PRESERVATION

Sec. 23-54. - Statement of purpose.

(a) The City of Fredericksburg, Texas (herein after called the "City") hereby recognizes it is known for its unique stone architecture, historic sites, collection of German pioneer Sunday houses, Victorian inspired homes, and thriving historic Marktplatz (Market Square) and downtown area.

(b) The City's unique qualities have proven to be increasingly attractive to residents, businesses, and tourists.

(c) As a matter of public policy, the City desires to preserve those aspects of the City which have historical, cultural, or architectural merit. Such preservation activities will promote the health, safety, prosperity, education, and general welfare of the people living in and visiting Fredericksburg.

(d) This historic preservation article is intended to achieve the following policy goals:

- (1) Protect, enhance, and perpetuate historic landmarks which represent or reflect distinctive and important elements of the City's and state's architectural, landscape architectural, archeological, cultural, social, economic, ethnic and political history, and to develop appropriate settings for such places;
- (2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations;
- (3) Stabilize and improve property values in such locations;
- (4) Foster civic and cultural pride in the beauty and accomplishments of the past;
- (5) Protect and enhance the City's attractions to tourists and visitors and provide incidental support and stimulus to business and industry;
- (6) Strengthen the economy of the City;
- (7) Promote the use of historic landmarks and historic landmark districts for the culture, prosperity, education, and general welfare of the people of the City and visitors to the City; and
- (8) Provide a review process for the continued preservation and appropriate development of the City's historic resources.

• **Sec. 23-55. - Definitions.**

Administrative Certificate of Appropriateness. A document evidencing the approval of the Historic Preservation Officer, signed and dated by him or her for **Insignificant Alterations of a Resource** as further defined herein where approval for the same is required.

- *Appurtenance.* A feature related to a parcel of land or to a building, structure, object, site, or a related group thereof. The term includes, but is not limited to, buildings, structures, cisterns, barns, windmills, objects sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, and signs. An

appurtenance has the same rating as the main structure, unless the owner requests that individual ratings be given to each appurtenance. Such requests will be processed as an original application for a rating.

Certificate of appropriateness. A document evidencing the approval of the Historic Review Board signed and dated by the chairman of the Historic Review Board, or the Historic Preservation Officer, as applicable for the addition, installation, construction, alteration, change, restoration, removal, or demolition of any exterior architectural feature, resource or other significant appurtenance of any historic landmark or of any building or structure located within the Historic District to be issued in cases further defined in this article, where approval for the same is required.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure or Appurtenance and permanently impairs its structural, historic or architectural integrity.

Design guidelines for the City of Fredericksburg. Written guidelines adopted by the City Council in 1997, as the same may be amended from time to time without the necessity of re-adoption, as a reference and guide to provide information on appropriate methods for rehabilitation or restoration of historic resources.

Exterior architectural feature. The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, or Appurtenance as distinguished from the interior surfaces enclosed by such outer surfaces. Exterior architectural features shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures of such building, structure or Appurtenance.

Fredericksburg Historic Resource Survey. A comprehensive architectural survey of all properties within the City's historic district and adjoining areas, as updated in 2002; future amendments to the same shall be automatically included herein.

Historic district. An area of the City designated by the City council under subsection 23-58(a) of this article, as having definable geographic boundaries, a significant concentration, linkage, or continuity of sites, buildings, or structures united historically or aesthetically by plan, appearance, or physical development. The designation "historic district" recognizes that the component Resources, being historic buildings, structures, accessory buildings, fences, or other appurtenances of the district are of basic and of vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.

Historic landmark. A Resource which is an individual property (including its component parts as are regulated for properties in the Historic District) designated by the City council under subsection 23-58(b) of this article, as having outstanding historical and cultural significance in the nation, region, or community. The designation "historic landmark" recognizes that the historic place, or the building(s), structure(s), accessory building(s), fences, or other appurtenances at the place are of basic and

vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.

Historic Preservation Officer. The person who is appointed by the City to administer the provisions of this Article, or his or her designee.

Insignificant Alteration. Those activities which constitute minor alterations, additions, repairs or maintenance to any Resource include but are not limited to:

Ordinary repair and maintenance which is repairs, replacement or repainting using the same design and color and the same, or updated similar materials which match the original material as closely as possible, and which does not require structural alteration and, and the following **exterior alterations**:

replacement of a non-historic door with one in keeping with the character and era in which the home was built,

removal of extraneous non-historic features such as burglar bars, awnings, inappropriate shutters and the like,

restoration of original window openings, replacement of non-historic windows with those that match the original windows as closely as possible,

slight modification to exterior steps, walkways or stairways using same material or that which matches the original material as closely as possible,

reopening of porch,

addition of louvers and vents in if placed in an existing opening with no other exterior alteration needed,

removal of non-historic siding to expose historic siding materials,

removal of roofing and replacement with original material, changing color of roofing material if within the color guidelines

construction of rear addition under two hundred (200) square feet using same (non-historic) material as existing structure as well as existing roof ridgeline for low rated structures

changes to paint colors on previously painted surfaces or changes of fabric colors which are consistent with the color guidelines, removal of paint to expose original masonry

changes to landscape as follows: replacement of inappropriate fence or construction of new fence historically appropriate materials, design and color,

changes to sign content that involve no other changes,

new construction of ADA ramps, rear porches, decks, pools, fountains and other backyard amenities,

demolition of non-historic accessory structure, addition or carport that is made of non-historic materials

installation of temporary features to protect a historic resource or to weatherize or stabilize subject to formal approval within a reasonable time

installation of mechanical units, electrical or plumbing facilities or fixtures, antennas, rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the Resource

Preservation priority rating. Three-tier rating system used in the 2002 Fredericksburg Historic Resource Survey to evaluate all Resources (including components of properties) within, and adjoining to, the City's historic district. Ratings are based upon current determinations of architectural value and integrity and, if known, historical and cultural value, and may be altered from time to time as additional information is discovered or circumstances change. No rating shall be considered vested and the same may be established or changed at any time in accordance with subsections 23-58(d) and 23-58 (e) below. Additionally, structures or properties may have more than one rating (e.g., the main structure may be high but an addition or Appurtenance may be medium or low):

- (1) *High rating.* The most significant Resources identified in the 2002 Fredericksburg Historic Resource Survey. These properties are considered to be outstanding, unique, or good examples of architecture, engineering, or design. Some are unique to the Fredericksburg area and are indicative of German-Texan vernacular forms and/or building techniques. Others are noteworthy examples of 19th and early 20th century architectural types, styles, and forms, erected using local building materials and construction technologies. Properties designated with a high rating are to be the most protected from alteration and demolition.
- (2) *Medium rating.* Resources that may or may not be identified as architecturally significant on an individual basis, but are nonetheless valuable resources that add to the historic district's overall character, and may be so ranked due to their or its proximity or contribution to the cultural, historic, architectural, or archeological character of the historic district or surrounding properties. These properties may have been moderately altered or are typical examples of a common architectural style or form, but generally retain their historic integrity to a good or moderate degree. Properties designated with a medium rating shall be protected from demolition and where possible will be required or encouraged to maintain or improve architectural features.
- (3) *Low rating.* Resources that minimally enhance the district's ability to convey a sense of time and place. These properties may be typical examples of more recent, common local building forms, architectural styles, or plan

types; be examples of distinctive building forms, architectural styles, or plan types that have been significantly altered; lack the necessary age to meet the usual 50 year threshold for possible National Register of Historic Places listing and do not appear to meet the National Register of Historic Places standard for exceptional significance for properties less than 50 years of age, but which nevertheless may have relative value within the historic district, meriting preservation. Properties or improvements with a low rating may be considered for relocation or demolition upon a determination by the Historic Review Board that the same can be accomplished with little or no consequence to the historical, cultural, architectural, or archeological character of the district or property.

Resource. A landmark, landmark site, and all land or water within a preservation district, together with the structures, Appurtenances and improvements, if any. The term Resource includes, but is not limited to, separate districts, buildings, structures, sites, objects, landscape features, and related groups thereof. In the event of a conflict between an address in the Fredericksburg Historic Resource Survey and its pictorial, the picture shall be used to identify the historic resource.

Secretary of the Interior's Standards for Rehabilitation. A set of ten basic philosophical principles created by the U.S. Secretary of the Interior and administered by the National Park Service, to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. The Standards for Rehabilitation are codified at 36 CFR 67, as the same may be amended from time to time.

Secretary of the Interior's Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring, and reconstructing historic buildings. Basic philosophical principles (standards) and recommended actions and approaches (guidelines) developed by the U.S. Secretary of the Interior, for each of the four primary treatment options for historic properties: preservation, rehabilitation, restoration, and reconstruction. The Guidelines are meant to establish a model process to follow when planning for treatment, providing technical and design recommendations within a consistent philosophical context.

Standards for signs- additional Basic requirements and guidelines as are established in the Sign Ordinance for the City of Fredericksburg.

Unreasonable economic hardship. The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a resource as required by the United States Supreme Court in *Penn Central Transportation Company vs. New York City*, 438 U.S. 104 (1978), and subsequent decisions, and as further defined by the provisions of Section 23-64 below.

- **Sec. 23-56 - Historic Preservation Officer.**

The city Historic Preservation Officer shall administer this article and shall advise the Historic Review Board on each application under this article that shall come before the Board. This person shall have expertise in archaeology, history, architectural history, historic preservation, city planning or a closely related field. The Historic Preservation Officer shall have the following powers and duties:

- (a) To coordinate the city's preservation activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector,
- (b) To recommend to the Historic Review Board buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter,
- (c) To recommend to the Historic Review Board buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended,
- (d) To maintain and hold open for public inspection all records pertaining to the provisions of historic preservation regulations, and to keep a copy available for public viewing all historic district guidelines, Secretary of the Interior Standards, and any other guidelines. Public viewing may include available office of historic preservation website,
- (e) To review, approve or deny applications for relocation or demolition permits as set forth in Section 23-63 below.
- (f) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review,
- (g) To administratively review historic preservation applications and forms for completeness,
- (h) To approve administrative certificates of appropriateness,
- (i) To convene meetings of committees of the historic review Board, and
- (j) To provide orientations for all new members of the Board, and to provide other training as the Historic Preservation Officer deems appropriate. Board member are expected to participate in such orientation and training.

• **Sec. 23-57. - Historic Review Board.**

- (a) *Creation of Board.* There is hereby created a Historic Review Board of the City, hereinafter sometimes called the "Board," consisting of seven members and three alternates appointed by the City council.

- (b) *Term of appointment.* Each Board member and alternate shall be appointed for a term of three years, except that of the members of the first Board to be appointed, two shall be appointed to serve for two years, and two for one year. One alternate shall be appointed each year except for the year 2007, in which three alternates with staggered terms shall be appointed. The term shall expire on July 1 of the appropriate year. Any vacancy on the Board shall be filled by the City council for the remainder of the non-expired term. Any regular member of the Board who fails to attend at least 75 percent of all regular meetings of the Board within any 12-month period shall be removed from the Board, unless such failure to attend was the result of illness or other acceptable excuse as determined by the City council.
- (c) *Qualifications.* Each Board member and alternate shall be either:
a resident of the City who is qualified to vote in City elections, or
a resident of Gillespie County, Texas, who owns real property located within the City's historic district or which is designated as a historic landmark and who is qualified to vote in Gillespie County elections.
- (d) *Composition.* The Board shall include at least one member of the Gillespie County Historical Society or Gillespie County Historical Commission. Not less than two Board members shall reside in or own, a historical landmark or reside in or own property within the historic district. Not less than one Board member shall have a license, degree, or professional experience in the field of architecture, architectural history, history, historic preservation or historic restoration. Alternates must have at least one of the previously stated attributes. All Board members and alternates shall be persons who, in the opinion of the City council, have demonstrated interest in and knowledge of the historical preservation of the City.
- (e) *Chairman and vice chairman of the Board.* The chairman and vice chairman of the Board shall be elected annually by a majority of the members of the Board, and shall serve a term of one year and until their successors are elected.
- (f) *Secretary of the Board.* The Historic Preservation Officer or his/her representative shall act as secretary of the Board and shall attend and keep the minutes of all meetings.
- (g) *Ex officio members.* The Historic Preservation officer and City Attorney or their representatives may serve on the Board as ex officio members. Ex officio members shall have no right to vote or count

toward establishment of a quorum, but shall assist the Board in its various functions.

- (h) *Functions of the Board.* The Board shall review all applications proposing additions, alterations, changes, construction, demolition, or relocation within the historic district and historic landmarks. In addition:

(1) The Board shall grant or deny certificates of appropriateness contingent upon review according to the further provisions of this Article -

(2) The Board shall make recommendations to the City council regarding the designation or re-designation of Resources as historic landmarks or districts, or amendment or removal of such designation(s), and shall determine the preservation priority rating of each Resource subject to this article.

(3) The Board shall make an annual report to the City council on the state of historic preservation in the City and shall include in the report a summary of its activities for the past year and a proposed program for the next year.

(4) The Board shall have the further responsibility of recommending to the City council, planning and zoning commission, and City departments the adoption of policies, the source of funds, and designation of historic districts and historic landmarks that may further the City's preservation effort.

- (i) *Meetings.* The Board shall meet at least once a month at a regularly scheduled time. Special meetings may be called upon request of the chairman or vice chairman, or upon the written request of four members, or upon a notice from the Historic Preservation Officer that a matter requires the consideration of the Board. All meetings shall have advance notice posted in accordance with the Texas Open Meetings Act and shall be conducted in full compliance therewith. Four members, which may include one or more alternates, shall constitute a quorum and action taken at a meeting shall require the affirmative vote of a majority of the members present and voting at such meeting. Alternates shall not participate in constituting a quorum or in voting if all regular members of the Board are present, and then only so many of them as are necessary to constitute seven (designated by the Chairman) shall participate in any meeting or action of the Board.

- (j) The Board shall otherwise determine its own rules of procedure except as may be specifically set forth in this article.

- **Sec. 23-58. - Designation of historic districts, historic landmarks, and preservation priority rating.**

(a) *Historic districts.*

Historic district zoning designation. The City Council may, from time to time, after receiving a recommendation either for or against such designation by the Historic Review Board and Planning and Zoning Commission, designate certain areas in the City as historic districts, and define, amend, or eliminate the boundaries of same. Such districts shall bear the word "historic overlay" in their zoning designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in the City's zoning ordinance and in this article. All zoning maps shall reflect the historic district by the letters "HO" as a suffix to the use designated. This area shall encompass the area shown on the map adopted herewith and on file in the office of the Historic Preservation Officer, as may be amended from time to time.

(b) *Historic landmarks.*

Historic landmark designation. The City council may, from time to time, designate individual property, part or parts thereof or a Resource thereon (Resources) in the City as historic landmarks. Each such property or Resource shall bear the words "historic landmark" (HL) in its zoning designation. Such designation shall indicate that such property/ Resource is subject to the terms of this article. Provided, however, with regard to site plans, uses, setbacks and other development and/or building regulations, such property shall be governed by its zoning district. Initially, the historic landmarks shall consist of the properties shown on the list adopted herewith and on file in the office of the Historic Preservation Officer as may be amended from time to time.

(c) *Criteria*

(1) *Historic district criteria.* In making the designation of an area as a historic district, the City council shall affirmatively find that the area has one or more of the following characteristics:

- A. Character, interest, or value as a part of the development, heritage, or cultural characteristics of the City;
- B. Location as the site of a significant historical event;
- C. Embodiment of distinctive characteristics of an architectural type or specimen;
- D. Relationship to other distinctive buildings, sites, districts, or structures which are historically significant;
- E. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;

- F. Value as an aspect of community sentiment or public pride;
- G. Identification with a person or persons who significantly contributed to the development or culture of the City, the state or the nation;
- H. Value as protective of a historical resource.

(2) *Historic landmark criteria.* In making the designation of a place as a historic landmark, the City council shall follow the criteria set forth in the historic district criteria subsection of this section as the same relate to an individual property, part of a property or Resource thereof.

(d) *Establishment of preservation priority rating.* At such time as a Resource/ property is either incorporated into the historic district or designated as a historic landmark, such Resource/property shall be rated high, medium, or low by the Board. The Board shall rate the same at its meeting considering the request or application and the Board's rating shall become effective at such time as the City Council either incorporates the Resource/ property or designates it as a historic landmark. Appeals of the rating (see 23-66 below) may occur only following incorporation into the historic district or following designation as a historic landmark, and shall follow the procedure set forth below. The burden of proof shall be upon the applicant seeking to change the rating.

(e) *Changes to district and landmarks*

(1) Districts. Changes to the same may be initiated by any person by request submitted to the Historic Review Board which will forward its recommendation to the Planning and Zoning Commission prior to the submittal to the City council. The Historic Review Board shall consider the request at a meeting held in accordance with the procedures set forth in subsection 23-61(f) below. Upon forwarding of a recommendation to the Planning and Zoning Commission, the designation process will follow the procedures provided for in section 5.200 of the City's zoning ordinance, pertaining to hearing and action by the Planning and Zoning Commission and the City Council. Applications for changes in the boundaries of the historic district shall be on forms and shall contain the information required thereon as determined by the City's Historic Preservation Officer and shall be accompanied by the fee set forth in subsection 23-61(c). An application initiated by the Historic Review Board or the City staff shall not require the payment of a fee.

(2) Landmarks. The designation of new historic landmarks or the removal of the designation may be initiated by any person by request submitted to the Historic Review Board which will forward its recommendation to the City Council. The Historic Review Board shall consider the request at a

meeting held in accordance with the procedures set forth in subsection 23-61(f) below. The City Council shall consider the request at the next regular meeting of the City Council following the meeting of the historic review Board at which the request was heard. Applications for designation of or changes to historic landmarks shall be on forms and shall contain the information required thereon as determined by the Historic Preservation Officer, and shall be accompanied by the fee set forth in subsection 23-61(c) unless initiated by the Historic Review Board or City staff.

Sec. 23-59. - Review required by Historic Review Board or Historic Preservation Officer.

(a) No person or entity shall install, construct, reconstruct, alter, change, restore, remove, or demolish any Resource, structure or exterior architectural feature or other significant appurtenance of any historic landmark or of any building or structure located within the historic district unless and until such person or entity has completed review of his/her/its proposed changes by the Historic Review Board or the Historic Preservation Officer, and has obtained a certificate of appropriateness in accordance with the further provisions hereof.

(b) Such review shall consist of the granting or denial of a Certificate of Appropriateness with regard to the subjects set forth in sections 23-62, and 23-63, as applicable. With regard to the subject matters thereof, obtaining a Certificate of Appropriateness is mandatory and compliance with its requirements is mandatory.

Sec. 23-60. - Certificates of Appropriateness.

(a) No exterior feature of any Resource, whether designated as a landmark or whether located in the historic district, shall be installed, constructed, reconstructed, altered, changed, restored, removed, or demolished, nor shall any new structure be constructed in the historic district until after a Certificate of Appropriateness of such work has been issued by the Board or by the Historic Preservation Officer as applicable. Additionally, neither a demolition permit nor a building permit may be granted for a property in the historic district or designated as a landmark unless the Board or Historic Preservation Officer issues a certificate of appropriateness.

(b) Certificates of Appropriateness shall be issued by the Board. Provided however, if the application sought to be approved under this article qualifies as an Insignificant Alteration (SEE DEFINITION OF INSIGNIFICANT ALTERATION ABOVE), an Administrative Certificate of Appropriateness may be issued by the

Historic Preservation Officer as an administrative approval without review by the Board.

(c) Therefore:

- (1) In reviewing, approving and denying applications for certificates, the Board and the Historic Preservation Officer shall seek to accomplish the purposes of this article.
- (2) All decisions of the Board and Historic Preservation Officer shall be in writing and shall state the findings of the Board, its recommendations or requirements. The same may appear in the written minutes of the Board's meetings.
- (3) A certificate shall expire 12 months after its issuance and shall continue as long as work is not discontinued for a period of 12 months in which case a new certificate is required.
- (4) An application for certificate of Appropriateness shall not be resubmitted for review sooner than 12 months following its initial review unless it is submitted with a significant change, or if the originally approved plans have changed significantly as determined by the Historic Preservation Officer with an additional fee.
- (5) Certificates of Appropriateness may be issued for distinct and separate phases of an ongoing project

Sec. 23-61. - Certificates; application and procedure.

- (a) *Application.* The applicant shall submit to the Historic Preservation Officer application for certificate of appropriateness which includes data and information in writing which thoroughly describes the project as determined by the Historic Preservation Officer, including but not limited to the following:
- (1) Name and signature of applicant and property owner.
 - (2) Mailing address, phone number and email address of applicant (including owner's representative if applicable) and address, phone number and email address of property owner.
 - (3) Location of property which is the subject of the application.
 - (4) A detailed description of the nature of the proposed work.
 - (5) A description of the history of the property or the measures taken to determine the same, and how the proposed change will be in character with the architectural or historical aspect of the structure or site.
 - (6) Any circumstances or conditions concerning the property or financial hardship which may affect compliance with the article.
 - (7) Drawings and photographs of all sides of the Resource which would explain the proposed work.

(8) Color chips of the colors which will be used, and examples and/or samples of other materials requested to be used which are not original to the Resource.

- (b) *Completeness.* The applicant shall submit all required data and information to the Historic Preservation Officer, not less than 14 days prior to the next scheduled regular meeting of the Board. The application shall not be accepted and processed until it is deemed complete by the Historic Preservation Officer, including sufficient description to adequately and completely convey the full effect of the work to be done. In cases which do not require Board review, the Historic Preservation Officer shall have at least 5 business days to review a completed application.
- (c) *Fee.* An administration fee will be assessed to the applicant reflecting the cost to the City for processing the application. (See appendix A to this Code.) The application will not be deemed complete, nor will it be processed until such fee is paid in full.
- (d) *Insignificant alteration.* If the Historic Preservation Officer determines that the application is for an Insignificant Alteration (SEE DEFINITION OF INSIGNIFICANT ALTERATION ABOVE), or if the Historic Preservation Officer receives an application to renew an expired certificate of appropriateness, he/she may, within fourteen (14) days, approve the application and issue or deny the certificate of appropriateness. The *Design Guidelines for the City of Fredericksburg*, *The Secretary of the Interior's Standards for Rehabilitation* and *The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings*, the *Sign Ordinance* will be used when assessing the application. These documents will be made available to the public in the office of the City secretary and/or Historic Preservation Officer on the City's website, and/or at the local public library.
- (e) *All other alteration.* If the Historic Preservation Officer determines that the application does not qualify as an Insignificant Alteration, or for any other reason does not desire to act under subsection (d) above; he/she shall refer the application to the Board and call for a meeting of the Board to consider the Certificate of Appropriateness application.
- (f) *Time for approval.* The Board shall hold a meeting to consider the application within 40 days after the receipt of a completed application. The applicant shall be given notice of the time and place of the meeting by regular mail to the applicant's address on the application or, if provided, solely to the email address of the applicant. Notice of the meeting and subject matter shall be posted in accordance with the Texas Open Meetings Act. The Board may hold any additional meetings within 60 days following submission of a completed application as may be necessary to carry out its responsibilities under this article. The applicant or his/her agent or representative, shall

attend at least one meeting of the Board during which his/her application is considered, otherwise the Board shall not take action, and the application will be deemed to be incomplete and added to the agenda of the next regular meeting of the Board for up to two additional times, and if the applicant or his/her agent or representative fails to attend, then the application shall be deemed withdrawn. The Board shall make its determination and report the same to the Historic Preservation Officer within 60 days after receipt of a completed application unless the Board and the applicant mutually agree to extend the period of review. If action is not taken within 60 days after receipt of a completed application, (except as to demolition cases as set out below) it shall be deemed that the Board recommends approval of the application and the certificate of appropriateness will be issued.

The certificate of appropriateness shall be issued within three days following the decision of the Board.

- (g) The Historic Preservation Officer shall issue a certificate of appropriateness for administrative approvals within 14 days following receipt of a completed application. If it is not issued for whatever reason the same shall be presented to the Board and processed as a regular application.
- (h) *Special time period for demolition.* Anything in this article to the contrary notwithstanding, the Board shall make its determination within 120 days after receipt of a completed application for a permit to demolish an historic Resource, landmark or building within the historic district, an historic landmark or Resource outside the historic district, or to move a historic landmark, or to move a building (Resource) into or out of a historic district.

Sec. 23-62. - Criteria for approval of a certificate of appropriateness.

- (a) In determining the recommendation and action on an application for a Certificate of Appropriateness, the Historic Preservation Officer and historic review Board shall review and decide the appropriateness of the proposed work of the following with regard to:
 - (1) *Removal, addition or modification of architectural detail.* The distinguishing historic qualities or character of a building, structure, or site and its environment shall not be destroyed. Removal or modification of any historic material or distinctive architectural features may be accomplished upon issue of a certificate of appropriateness; however, this should be avoided when possible. Architectural features include, but are not limited to, exterior wall materials, windows, railings, decorative woodwork, masonry, or stone elements.
 - (2) *Paint color and application.* Traditionally, the base colors of Fredericksburg's buildings have been soft muted shades of greens, blues, whites, and tans. In order to continue the historic integrity of the

buildings in the district, these colors continue to be acceptable today, and do not require review or issuance of a certificate. The Historic Preservation Officer shall determine whether the proposed color is within the approved list of colors, as outlined in the Fredericksburg Design Guidelines. If the Historic Preservation Officer determines the color is inconsistent with said guidelines, then the proposed color application will be referred to the Board for approval or denial. Base colors such as vibrant or "hot" shades, deep dark shades, and black shades are not acceptable. A certificate of appropriateness must be granted in advance of paint application. The painting of existing materials such as unpainted stone or unpainted masonry is prohibited.

- (3) *New construction in historic districts.* The Board will review all new construction plans within historic districts in order to ensure visual compatibility with the surrounding buildings and environment in relation to design, height, gross volume, massing, scale, proportion, and setback in accordance with the Design Guidelines.
- (4) *Additional criteria for issuance of certificate of appropriateness.* The Board will also consider and make determinations on the following additional criteria prior to the issuance of a certificate of appropriateness. It will consider the following as to new construction as are applicable.
 - (A) The proposed change will not negatively impact the general historic, cultural, unique, and architectural nature of the historic district or landmark.
 - (B) The proposed change will not negatively impact exterior architectural features.
 - (C) The proposed change to the general design, arrangement, texture, color, and material of the building, or structure, will be compatible with and not negatively impact the relation of such factors to similar features of buildings, or structures, in the district. This consideration shall not be the aesthetic appeal of the structure to the Board nor the proposed remodeling, but rather its conformity to the general character of the particular historic area involved.
 - (D) The signage conforms to the general historic, cultural, and architectural character of the historic district or landmark and the City's Sign Ordinance.
 - (E) The *Design Guidelines for the City of Fredericksburg*, the *Secretary of the Interior's Standards for Rehabilitation*, the *Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings* and *Sign Ordinance*, will be used when assessing the application *subject to the further requirements of all applicable city ordinances*. These documents will be

made available to the public in the office of the Historic Preservation Officer or on the City's website.

(F) The importance of finding a way to meet the current needs of the property owner and the importance of approving plans that will be economically reasonable for the property owner to carry out.

(b) The decision of the Historic Preservation Officer or the decision of the Board, as applicable, are mandatory, and must be met in order to receive a certificate of occupancy upon completion of construction.

Sec. 23-63. - Demolition/removal.

(a) In addition to the requirements of obtaining Board approval for demolitions, all demolitions in the City of Fredericksburg which are required to have a demolition permit, will be reviewed by the Historic Preservation Officer prior to the issuance of a demolition permit by the Building Official of the City. This is to assure that a historic Resource is not inadvertently overlooked in the rating or landmark designation process. If the Historic Preservation Officer determines, with fourteen (14) days following the submission of a request to demolish that the Resource should be preserved, then the demolition permit will be abated for a period of one hundred twenty (120) days. During such time, the Historic Preservation Officer shall process the Resource under the historic landmark or rating provisions of this Article, and if it is determined to be a historic landmark, or require rating or re-rating, then the provisions of section (b) below will be used to further process the demolition request. The application for demolition will contain the information and be on the forms described in section 23-61 (a) above. No building permit will be issued for any demolition of an historic structure which is subject to regulation under Chapter 23 Article III. Historic Preservation of the Code of Ordinances of the City of Fredericksburg unless a building permit for the construction of the replacement structure at the same site is issued at the same time.

(b) In addition to the criteria specified in section 23-62, the following additional criteria will be used when reviewing and determining the recommendation and action on an application for a certificate of appropriateness with regard to demolition or removal or relocation, as applicable, of a historic landmark or a Resource within a historic district:

(1) The demolition, removal or relocation of an historic Resource with a rating of "high" or the demolition or removal of an historic Resource with a rating of "medium" in the *Fredericksburg Historic Resource Survey* is strictly prohibited.

(2) The demolition, removal or relocation of a Resource with a rating of "low," or of a historic resource not rated in the *Fredericksburg Historic Resource Survey*, may occur only when the Board issues a certificate of appropriateness for that express purpose. Refer to section 23-55 and the *Fredericksburg Historic Resource Survey* for a more detailed definition of the preservation priority rating system.

(c) As an exception to (b) above, any Resource with a rating of Medium or Low may be relocated within the same tract of land upon which it is located, or to a tract so close as to be considered essentially the same location, if permitted by the Board which must issue a certificate of appropriateness for such purpose, and the Board may place reasonable conditions and safeguards for the Resource when issuing its Certificate.

(d) As a further exception to (b) above, a resource may be demolished or removed if the Board determines that it is a hazardous or dangerous building, or that the requirements of Sec. 23-64, economic hardship, below are met.

(e) The *Design Guidelines for the City of Fredericksburg*, *The Secretary's Standards for Rehabilitation* and *The Secretary's Guidelines for Rehabilitating Historic Buildings* will be used to guide the Board in decisions regarding issuance of a certificate of appropriateness for demolition or removal of a Resource, historic landmark or within the historic district when permitted.

(f) In the case of a demolition application, the Board shall affirmatively find that:

(1) Reasonable measures could not be, taken to adaptively reuse, rehabilitate, or restore the Resource building or structure at its existing site;

(2) Reasonable measures have been taken to relocate the Resource to a new site first within the same property, secondly within the historic district (if applicable), or thirdly to an area that will be enhanced by the Resource or where the goals of this article will be furthered and that the same cannot reasonably be done;

(3) The condition of the Resource building or structure is such that it has been so altered or deteriorated that it has lost its value for promoting the goals of this article, and is no longer significant, and in such event that the condition is not due to demolition by neglect or action of the owner or another related person or entity;

(4) Plans for proposed new construction or other reuse of the property, and their effects on the historical, cultural, social, or architectural identity of the surrounding area will be positive and promote the goals of this article.

(e) In the case of a removal application, the Board shall affirmatively find that:

- (1) Reasonable measures could not be taken to adaptively reuse, rehabilitate, or restore the Resource building or structure at its existing site;
 - (2) The Resource is no longer significant to the area in which it is situated;
 - (3) Reasonable measures have been taken to relocate the Resource within the same property, and that the same cannot reasonably be done;
 - (4) Reasonable measures have been taken to relocate the Resource within the historic district (if applicable), or that it will be relocated to an area that will be enhanced by the resource and where the goals of this article will be furthered; and
 - (5) That the condition is not due to demolition by neglect.
- (f) In making the determination to permit demolition or removal of an historic Resource, the Board may place reasonable conditions on the same even if such conditions are not related to the mandatory requirements of this article but which are related to the demolition or removal, and to ensure compliance with the plans approved by the Board. The same may include, but is not limited to, the requirement that all conditions be fulfilled prior to issuance of a building permit for the original Resource's location.
- (g) Prior to demolition, the Historic Preservation Officer may, as a condition of approval of a certificate of appropriateness for demolition or removal, require the owner, at the owner's expense, to provide documentation of the subject Resource's in accordance with the standards of the Historic American Building Survey. Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information specified.
- (h) The special time period for demolition as described in Sec. 23-61 (g) above shall apply to all requests under this section.

Sec. 23-64 Economic Hardship.

No Certificate of Appropriateness for demolition or removal as applicable, involving a claim of economic hardship may be approved by the Board, nor shall a demolition permit be issued by the city based upon economic hardship unless the Board finds:

- (a) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible, and
- (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) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed, and
- (d) The property cannot be moved or relocated to another site similar site or within the District.

(e) Reasonable return, for the purposes of determination of economic hardship shall include consideration of the following information, but is not limited thereto:

- (1) Purchase date price and financing arrangements
- (2) Current market value
- (3) Form of ownership
- (4) Type of occupancy
- (5) Cost estimates of demolition and post demolition plans for development
- (6) Maintenance and operating costs
- (7) Inspection report by licensed architect or structural engineer having experience working with historic properties
- (8) Costs and engineering feasibility for rehabilitation
- (9) Property tax information
- (10) Rental rates and gross income from the property
- (11) Other additional information as deemed appropriate

(f) Claims of economic hardship by the owner shall not be based on conditions resulting from:

- (1) Evidence of demolition by neglect or other willful and negligent acts by the owner
- (2) Purchasing the property for substantially more than market value at the time of purchase
- (3) Failure to perform normal maintenance and repairs
- (4) Failure to diligently solicit and retain tenants
- (5) Failure to provide normal improvements or accommodations for tenants

(g) That throughout the process, the applicant has consulted in good faith with the Historic Preservation Officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

Sec. 23-65. - Prevention of demolition by neglect.

(a) *Duty to maintain.* All historic Resources landmarks and all significant buildings, objects, sites, and structures located in the historic district, shall be preserved against decay, deterioration, and kept free from certain structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof. Such owners, or other persons shall repair such building, object, site, or structure if it has any of the following defects:

- (1) Deteriorated or inadequate foundations;
- (2) Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;
- (3) Members of walls or other vertical supports that split lean, list, or buckle due to defective material, workmanship, or deterioration;

- (4) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
- (5) Members of ceilings, roofs, and their support system, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration;
- (6) Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;
- (7) Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;
- (8) Deterioration or defects in paints, coating systems, or flashing resulting in destructive moisture penetration or rot;
- (9) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

(b) *Neglect*

(1) *Determination of neglect.* If the Board upon recommendation or presentation by the Historic Preservation Officer or a building official of the City or his or her designee, makes a determination that a Resource is being demolished or deteriorated by neglect, it shall direct the Historic Preservation Officer to notify the owner or owners of the Resource of this preliminary determination, stating the reasons therefor, and shall give the owner of record 30 days from the date of such notice to correct the defects or present to the Board a plan for remediation if the defect cannot be remedied within such 30 days period.

(2) *Subsequent determination.* If, within 30 days following such initial determination, the Board shall again determine that the resource is being demolished or deteriorated by neglect, it may direct the Historic Preservation Officer to file a complaint for a violation of a zoning ordinance of the City, against the owner or owners if the necessary repairs are not completed within 90 days of the second determination by the Board that the subject building or structure is being demolished or deteriorated by neglect.

(3) *City stabilization.* Additionally, the Historic Review Board may direct the Historic Preservation Officer to accomplish the repairs necessary to stabilize and protect the Resource. The City shall then pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the record owner of such Resource. If such work is done or improvements made at the expense of the City, then such expenses shall be assessed as a lien on the real estate, lot or lots upon which such expense was incurred except as prohibited by law. The City, and the City's authorized assistants, employees, contracting agents, or other representatives, are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of completing repairs necessary for the stabilization and repair of a Resource. Any court having jurisdiction over such cases including the municipal court of the City shall have authority to issue all orders necessary to enforce this article. Neither the

City nor its employees, agents or contractors shall be answerable in damages or otherwise for damage to property due to the enforcement of this article.

(4) *Lien establishment.* The City Manager or other person authorized to act on behalf of the City shall file a statement of such expenses incurred by filing the amount of such expenses, the date on which said work was done or improvements made, with the county clerk of Gillespie County, Texas in the Real Property Records of such county. The City shall have a privileged lien on such lot, lots or real estate upon which said work was done or improvements made to secure the expenditures so made. Said lien amount shall bear interest per annum from the date said statement was filed at the greater of the maximum rate published by the state Board of control, or the rate of 10 percent. For any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City. The statement of expenses so made, as aforesaid, shall be a prima facie proof of the amount expended for such work or improvements.

Sec. 23-66. - Appeal.

(a) An applicant or owner may appeal any decision of the Board to the City's Board of Adjustment under the following conditions:

(1) That a written notice of appeal by the applicant or owner be received by the Historic Preservation Officer ~~City secretary~~ within ten days following the decision to be appealed. The application shall follow the form required for a variance request under the City's Zoning Ordinance.

(2) The Board of Adjustment may overturn the Board's decision or requirement if it makes affirmative findings of fact on each of the following criteria:

(A) The historic review regulations set forth herein, or findings of the Board do not allow for a reasonable use.

(B) The action of the Board was not based upon the preponderance of the evidence presented to the Board.

(C) The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the zoning district in which the property is located.

(D) The reversal of the Board's decision or requirement will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property and will not impair the purposes of this article or regulations to the Zoning District in which the property is located.

(E) In addition, or alternately, other legal precedent or established law or is challenging or requesting a change to a rating.

(F) The Board of Adjustment may apply conditions to its decision or modification of the Board's decision or requirement.

(3) The Board of Adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in the City's official newspaper not less than the 10th day before the date of the hearing. At the hearing, the applicant, owner and all interested parties, including local preservation groups, will have the opportunity to be heard. The Board of Adjustment shall uphold, reverse or modify the decision or requirement of the Historic Review Board or the Historic Preservation Officer within 30 days of the appeal hearing unless a continuance is agreed to by the owner. The Board of Adjustment will consider the same criteria and standard of review considered by the Historic Review Board or the Historic Preservation Officer.

(b) Only one appeal shall be allowed.

(c) Prior to an appeal to judicial authorities or institution of suit, and as a mandatory prerequisite thereof, the applicant must file a written notice of appeal with the City secretary within ten days following the adverse Board of Adjustment decision, as applicable, stating specifically grounds for such appeal, and the resultant appeal or suit shall be had on that ground or those grounds.

Sec. 23-67. – Penalties and Enforcement.

Violation of article. A person, firm, corporation or other entity commits an offense if he/she/it violates this article. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and in addition to other provisions of this Article III, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this article:

(a) The same penalties as set forth in the zoning ordinance of the City for all violations of requirements set forth in the said zoning ordinance; or the penalties set forth in section 1-6 of this Code of Ordinances of the City for zoning violations (currently up to \$2,000 per day).

(b) A certificate of occupancy will not be granted for any proper until compliance with all Certificate of Appropriateness requirements are verified by the Historic Preservation Officer or building official of the City.

(c) Stop Work order

(1) Whenever the building official finds any work regulated by this Article being performed in a manner either contrary to the provisions of this Article or dangerous or unsafe, the building official is authorized to issue a stop work order.

(2) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon

issuance of a stop work order the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) Any person, firm, corporation or other entity who or which shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed by law.

(d) If work, which is required to be reviewed, is commenced without a Certificate of Appropriateness, or if a stop-work order is issued, an administrative fee, which is in addition to any other applicable fees, of Three Hundred and no/100 (\$300.00) Dollars shall be due in order to apply or re-apply for a building permit or to re-start construction as applicable.

(e) In the event the requirements of the Board or Historic Preservation Officer, as applicable, are not met, the building permit shall be revoked. Notice of Revocation shall be delivered or mailed to the applicant by the building official or his or her designee to the address provided on the application.

(f) *Restrictions on future development.* If a Resource, either a landmark or one located within the boundaries of the historic district is demolished, removed or relocated without a certificate of appropriateness, or in the event the plans are changed for the property from which the Resource was demolished removed or relocated without approval of the changed plans by the Historic Review Board, then the following restrictions, in addition to any other penalties or remedies set forth in this article, shall be applicable to the site where the Resource was formerly located:

(1) No building or other permits will be issued for construction on the site, with the exception of a permit to restore such Resource after obtaining a certificate of appropriateness, for a period of five years after the date of such demolition, or removal or relocation.

(2) No permits shall be issued by the City for any curb cuts on the site for a period of five years from and after the date of such demolition, removal or relocation.

(3) No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of five years from and after the date of such demolition, and-removal, or relocation.

(4) The owner of the site shall maintain the site in a clean and orderly state and shall properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the Historic Preservation Officer shall cause to be filed a notice thereof in the real property records of Gillespie County and such restrictions shall then be binding on future owners of the property.

(g) *Civil action.* As an additional remedy in addition to the penalties stated above, the City Attorney for the City of Fredericksburg or his or her designee shall have the power to take all necessary civil action to enjoin non-compliance or enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

(h) *Cumulative remedies.* The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Texas Local Government Code § 315.006 and Texas Government Code § 442.016 as the same may be amended from time to time.

- **ARTICLE III. - PERMITS AND FEES FOR CONSTRUCTION**

- **Sec. 5-48. - Building permits.**

(a) *Permit required.* No building shall be in any manner constructed, altered, repaired, remodeled, demolished or moved within the city limits unless a building permit is obtained. No building permit will be issued for any demolition of an historic structure which is subject to regulation under Chapter 23 Article III. Historic Preservation of the Code of Ordinances of the City of Fredericksburg unless a building permit for the construction of the replacement structure at the same site is issued at the same time. Fees shall be paid for building permits as set forth in the fee schedule found in appendix A to this Code.

END OF CODE TEXT

Severability / Invalidity.

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Repealer

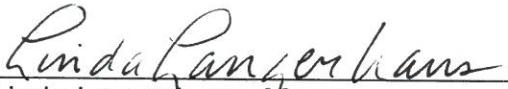
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Penalties

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof in addition to any other remedies or penalties hereof.

This ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the 5th day of July, 2017.



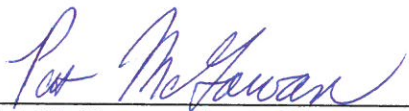
Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:



Shelley Britton, City Secretary

APPROVED AS TO FORM:



Pat McGowan, Asst. City Attorney

7/5/17



DEVELOPMENT SERVICES

Building Dept

August 28, 2024

DEVELOPMENT SERVICES DEPT

Director Anna Hudson, AICP

Senior Planner Shelby Collier

Planner Jan Musgrove

Building Official Michael Erwin

Building Inspector Kyle Staudt

Building Coordinator Jeanette Sanchez

STR Specialist Tyler Baethge

DEVELOPMENT SERVICES DEPT

Planning & Development

- ❑ Zoning (use)
 - Conditional Use Permit
- ❑ Platting (lots)
- ❑ Site Plan (layout)
 - Entry Corridor

❑ Historic Preservation

❑ Short Term Rentals

Building

- ❑ Building Permit
 - Building Plan Review
 - Trade Permits
- ❑ Inspections
- ❑ Certificate of Occupancy

DEVELOPMENT REVIEW COMMITTEE

**Meets on Thursdays to review all new projects including change of uses,
subdivisions, historic development, zoning changes, etc.**

Anna Hudson- Director of Development
Services

Shelby Collier - Senior Planner

Jan Musgrove – Planner I

Michael Erwin - Building Official

Tim Lehmberg – Economic Development

Evan Williamson– Assistant City Engineer

Sibyl Deckard – Staff Engineer

Regan Rabke –Fire Marshal

Kelli Olfers – Health Dept

Melissa Eckert- County
Engineer

TxDOT Rep



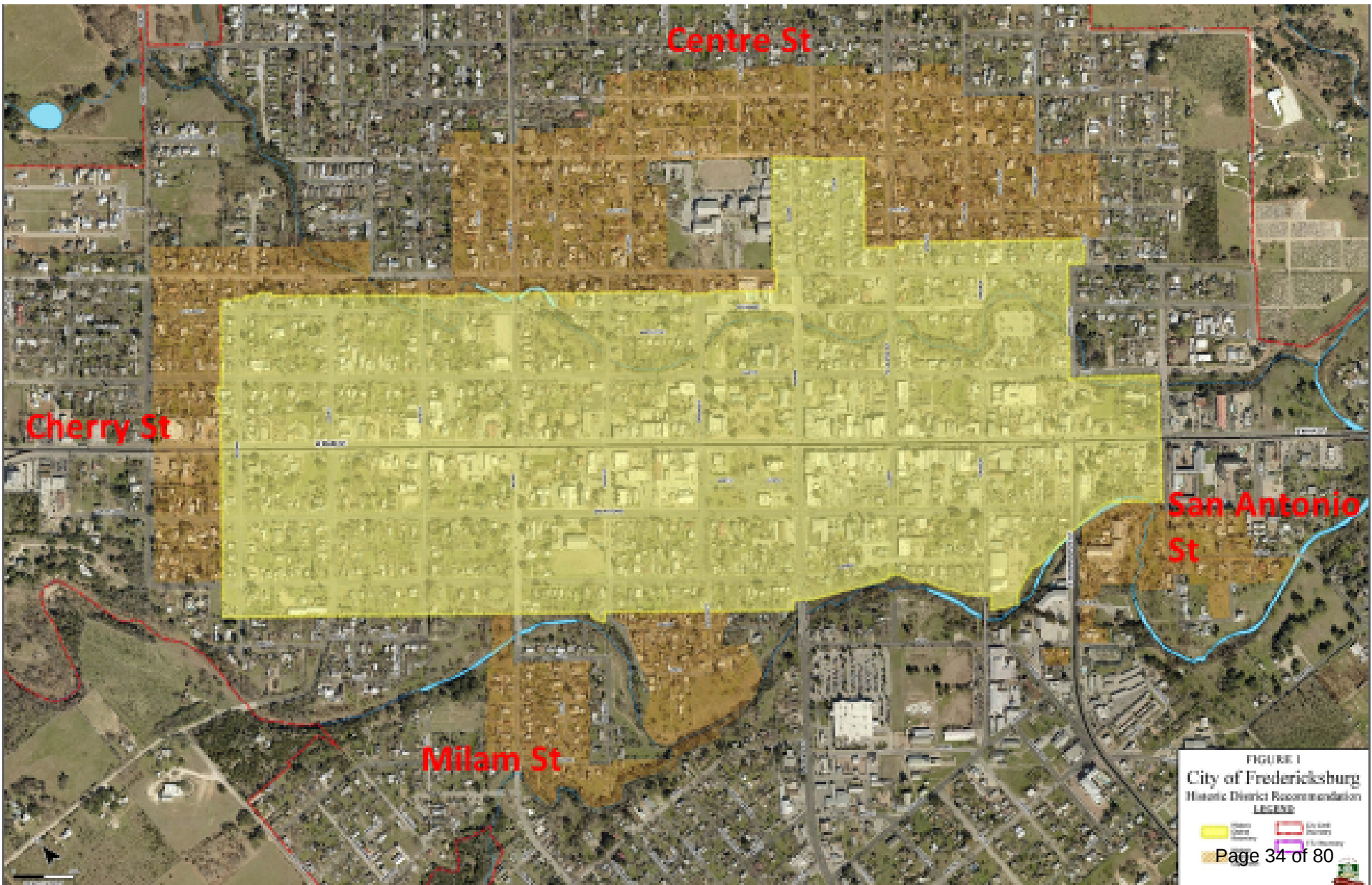
HISTORIC PRESERVATION



Protecting the built environment for future generations to enjoy and learn from

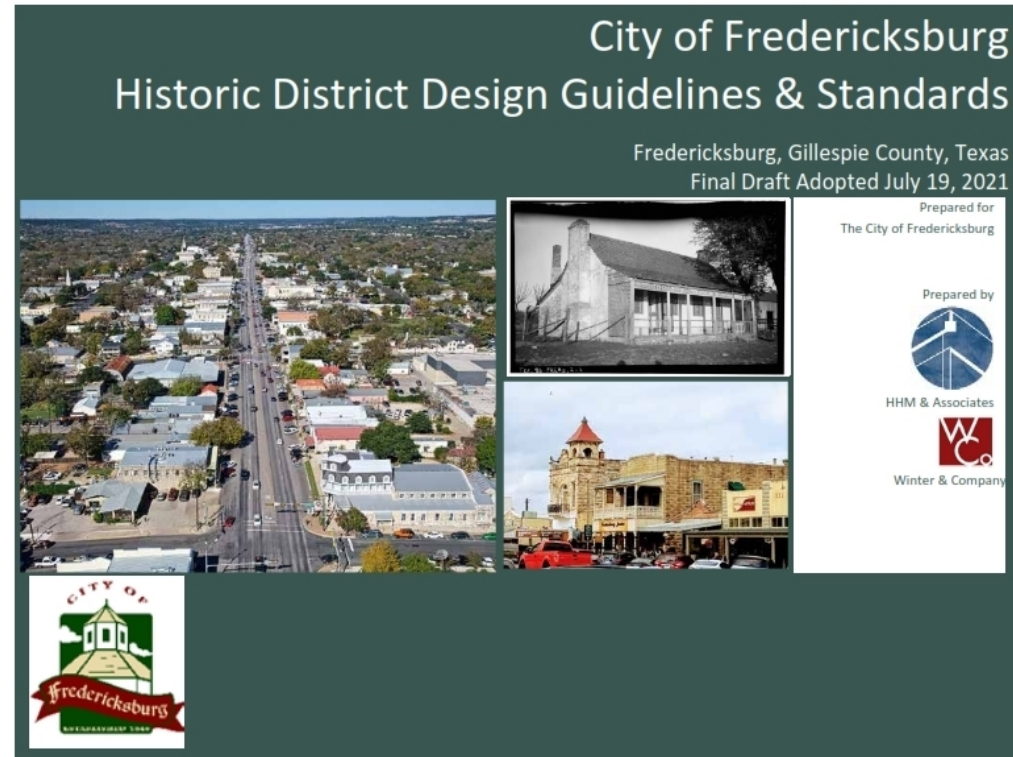
- Mandatory Functions by Ordinance
 - Removal, Addition or Modification of Architectural Detail (window/door replacement)
 - Paint Color and Application
 - New Construction (visual compatibility, scale and size)
 - Demolition review (based on rating of High, Medium, or Low)

HISTORIC DISTRICT



DESIGN GUIDELINES & STANDARDS

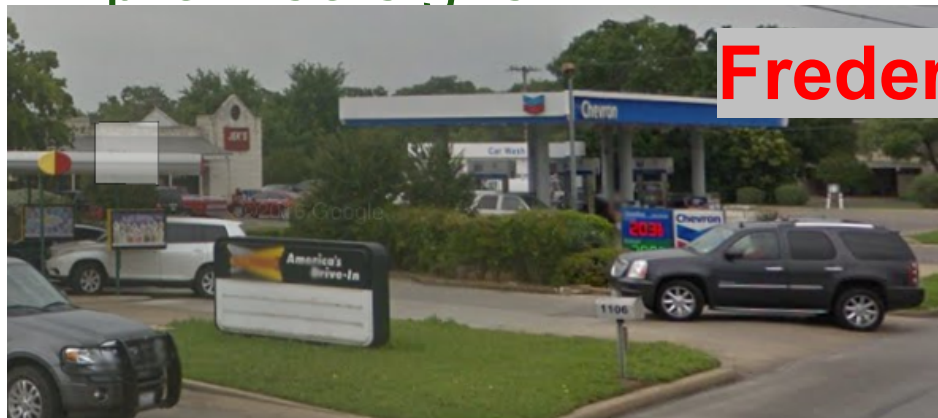
- Adopted 2021
- Rehab/Repair
- Alterations
- Additions
- New Construction



SIGN ORDINANCE



- Adopted in 1992
- Restricts height, size and digital displays
- Prohibits: Pole signs, feather flags, snipe signs, off premise signs



BUILDING PERMITS

- 2015 International Building Code Building Plan Review
 - 3rd party reviewer available for commercial projects (ATS)
- City of Fredericksburg Code of Ordinances
- Receives, Reviews, Issues Permits & Collects Fees
- All trades of building inspections for Residential & Commercial Projects
 - Layout, Foundation, Plumbing Rough In, Framing, Electric Rough In, Mechanical Rough In, Gas line, Plumbing Top Out, Electric TOPS, Final, Issues Certificate of Occupancy

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Fredericksburg

Apply Online For Building
And Trade Permit
Applications Only

Apply Online For Short
Term Rental Applications
Only

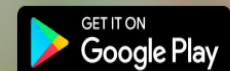
Apply Online For Short
Term Rental Renewals &
Transfers Only

Search All Permits



MGO Connect Customer Portal

- Receive Service From Any Participating Jurisdiction.
- The Top Header Menu Manages Services Across All Jurisdictions.
- Use The Left-Hand Menu To Access Jurisdiction Specific Services.
- Install the Mobile App To Access Online Services With Your Mobile Device.



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1. Open <https://mgoconnect.org/cp/portal>
2. Apply for New Permit
3. Select a New Application OR to Submit to an Existing Permit
4. Fill out the Customer and Contractor Contact Information
5. Complete the online electronic application for your project type
6. Upload supporting documents
7. Click Submit

BUILDING INSPECTIONS

Inspections are completed according to Building Codes for both Residential & Commercial Projects

➤ Inspections include:

- Plumbing Rough In
- Foundation
- Framing, Plumbing, Mechanical & Electric Top Out
- Driveway
- Electrical Service
- Framing, Plumbing, Mechanical & Electric, Dark Sky Fixture Final Inspections
- Issue Certificate of Occupancy

Building Fees Changes

- Reinspection fees will increase from \$25.00 to \$75.00
- Tree removal/Landscape Permits are now required
- Permits are required for hot tubs and swimming pools for a fee of \$400.00 (depends on the stage of water conservation)
- The proposed building fee changes will be presented to Council September 17th

Adopted Codes and Ordinances

The City of Fredericksburg's currently adopted Building codes are:

- ❑ 2015 International Building Code
- ❑ 2015 International Residential Code
- ❑ 2015 International Plumbing Code
- ❑ 2015 International Mechanical Code
- ❑ 2014 National Electrical Code
- ❑ 2015 International Energy Conservation Code



HISTORIC REVIEW BOARD AGENDA MEMO

DEPARTMENT: Development Services

TO: Historic Review Board

APPLICATION:

MEETING DATE: September 12, 2024

CATEGORY: DISCUSSION ITEMS

CAPTION: Penalties and Enforcement

SUMMARY: The Historic Preservation Ordinance No. 27-007 has a provision for penalties and enforcement found in Sec. 23-67. This section speaks to violations of the Ordinance and provides a mechanism for Staff to enforce the Ordinance requirements.

One of the mechanisms of enforcement is a Stop Work Order which is a specific order that is issued through the Building Department and results in the cessation of all work until the project comes into compliance with all requirements. If the project proceeds once the Stop Work Order has been issued, then the project is subject to penalties as prescribed by the law such as the issuance of a citation for a zoning violation that is remediated through municipal court.

In addition to the issuance of a Stop Work Order, the Building Official has the authority to withhold inspections, additional permits and Certificates of Occupancy until the project is brought into compliance.

The following penalty fees are assessed when a project operates without an approved COA:

- Sec-23-67-d speaks to work performed without the approved COA and results in a penalty fee of \$300.00.
- If the work required a building permit, a penalty of double the permit fee is assessed.

RELEVANT ORDINANCE AND DESIGN GUIDELINES/STANDARDS:

STAFF RECOMMENDATION:

ATTACHMENTS:

1. Sec 23-67 Penalties and Enforcement

(F) The Board of Adjustment may apply conditions to its decision or modification of the Board's decision or requirement.

(3) The Board of Adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in the City's official newspaper not less than the 10th day before the date of the hearing. At the hearing, the applicant, owner and all interested parties, including local preservation groups, will have the opportunity to be heard. The Board of Adjustment shall uphold, reverse or modify the decision or requirement of the Historic Review Board or the Historic Preservation Officer within 30 days of the appeal hearing unless a continuance is agreed to by the owner. The Board of Adjustment will consider the same criteria and standard of review considered by the Historic Review Board or the Historic Preservation Officer.

(b) Only one appeal shall be allowed.

(c) Prior to an appeal to judicial authorities or institution of suit, and as a mandatory prerequisite thereof, the applicant must file a written notice of appeal with the City secretary within ten days following the adverse Board of Adjustment decision, as applicable, stating specifically grounds for such appeal, and the resultant appeal or suit shall be had on that ground or those grounds.

Sec. 23-67. – Penalties and Enforcement.

Violation of article. A person, firm, corporation or other entity commits an offense if he/she/it violates this article. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and in addition to other provisions of this Article III, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this article:

(a) The same penalties as set forth in the zoning ordinance of the City for all violations of requirements set forth in the said zoning ordinance; or the penalties set forth in section 1-6 of this Code of Ordinances of the City for zoning violations (currently up to \$2,000 per day).

(b) A certificate of occupancy will not be granted for any proper until compliance with all Certificate of Appropriateness requirements are verified by the Historic Preservation Officer or building official of the City.

(c) Stop Work order

(1) Whenever the building official finds any work regulated by this Article being performed in a manner either contrary to the provisions of this Article or dangerous or unsafe, the building official is authorized to issue a stop work order.

(2) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon

issuance of a stop work order the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) Any person, firm, corporation or other entity who or which shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed by law.

(d) If work, which is required to be reviewed, is commenced without a Certificate of Appropriateness, or if a stop-work order is issued, an administrative fee, which is in addition to any other applicable fees, of Three Hundred and no/100 (\$300.00) Dollars shall be due in order to apply or re-apply for a building permit or to re-start construction as applicable.

(e) In the event the requirements of the Board or Historic Preservation Officer, as applicable, are not met, the building permit shall be revoked. Notice of Revocation shall be delivered or mailed to the applicant by the building official or his or her designee to the address provided on the application.

(f) *Restrictions on future development.* If a Resource, either a landmark or one located within the boundaries of the historic district is demolished, removed or relocated without a certificate of appropriateness, or in the event the plans are changed for the property from which the Resource was demolished removed or relocated without approval of the changed plans by the Historic Review Board, then the following restrictions, in addition to any other penalties or remedies set forth in this article, shall be applicable to the site where the Resource was formerly located:

(1) No building or other permits will be issued for construction on the site, with the exception of a permit to restore such Resource after obtaining a certificate of appropriateness, for a period of five years after the date of such demolition, or removal or relocation.

(2) No permits shall be issued by the City for any curb cuts on the site for a period of five years from and after the date of such demolition, removal or relocation.

(3) No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of five years from and after the date of such demolition, and-removal, or relocation.

(4) The owner of the site shall maintain the site in a clean and orderly state and shall properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the Historic Preservation Officer shall cause to be filed a notice thereof in the real property records of Gillespie County and such restrictions shall then be binding on future owners of the property.

(g) *Civil action.* As an additional remedy in addition to the penalties stated above, the City Attorney for the City of Fredericksburg or his or her designee shall have the power to take all necessary civil action to enjoin non-compliance or enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

(h) *Cumulative remedies.* The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Texas Local Government Code § 315.006 and Texas Government Code § 442.016 as the same may be amended from time to time.

- **ARTICLE III. - PERMITS AND FEES FOR CONSTRUCTION**

- **Sec. 5-48. - Building permits.**

(a) *Permit required.* No building shall be in any manner constructed, altered, repaired, remodeled, demolished or moved within the city limits unless a building permit is obtained. No building permit will be issued for any demolition of an historic structure which is subject to regulation under Chapter 23 Article III. Historic Preservation of the Code of Ordinances of the City of Fredericksburg unless a building permit for the construction of the replacement structure at the same site is issued at the same time. Fees shall be paid for building permits as set forth in the fee schedule found in appendix A to this Code.

END OF CODE TEXT

Severability / Invalidity.

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Repealer

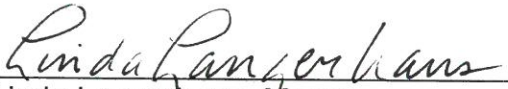
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Penalties

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof in addition to any other remedies or penalties hereof.

This ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the 5th day of July, 2017.



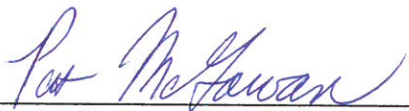
Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:



Shelley Britton, City Secretary

APPROVED AS TO FORM:



Pat McGowan, Asst. City Attorney

7/5/17



HISTORIC REVIEW BOARD AGENDA MEMO

DEPARTMENT: Development Services

TO: Historic Review Board

APPLICATION:

MEETING DATE: September 12, 2024

CATEGORY: DISCUSSION ITEMS

CAPTION: Research and Resources

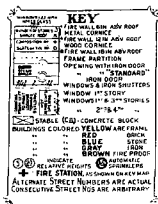
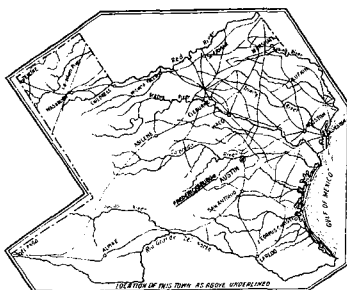
SUMMARY:

RELEVANT ORDINANCE AND DESIGN GUIDELINES/STANDARDS:

STAFF RECOMMENDATION:

ATTACHMENTS:

1. 1924 Sanborn maps Fredericksburg
2. 1938 update Sanborn maps Fredericksburg
3. Sanborn Key
4. NR District Map

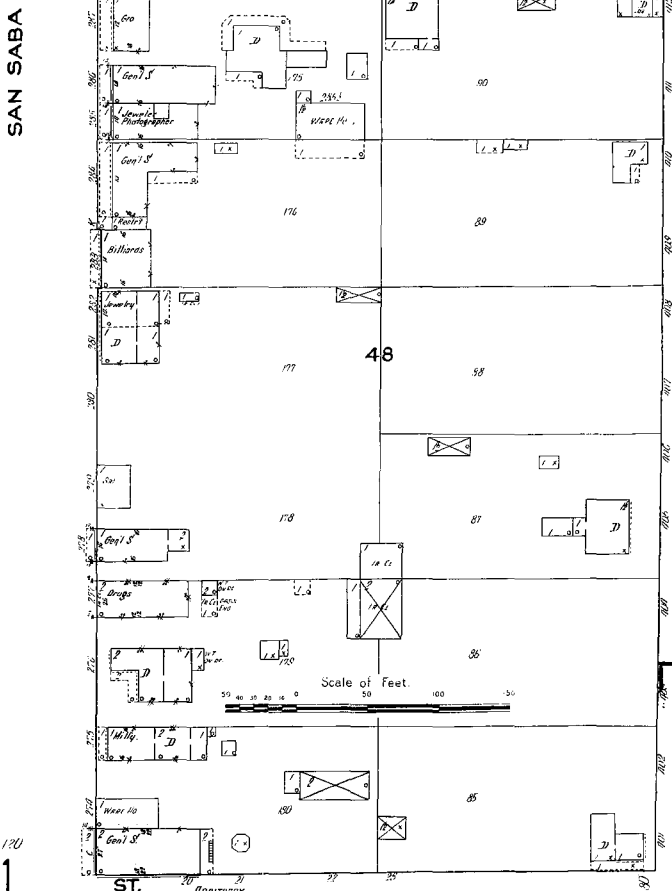
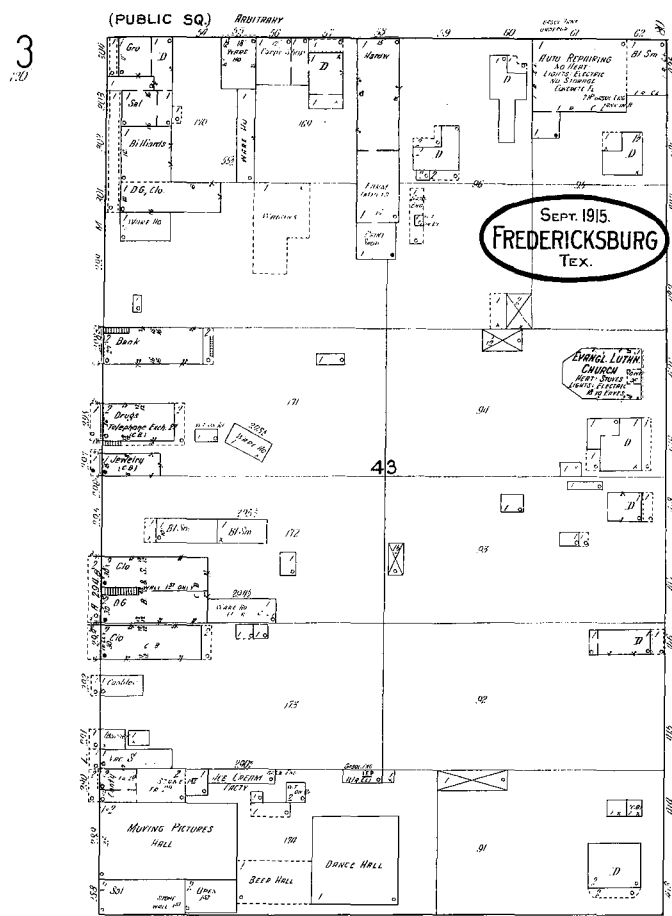
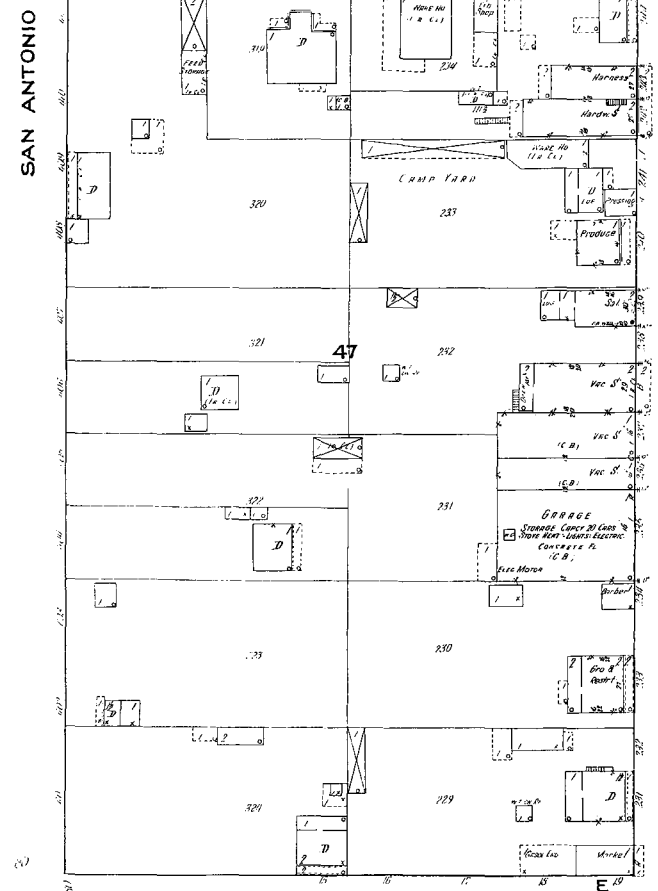
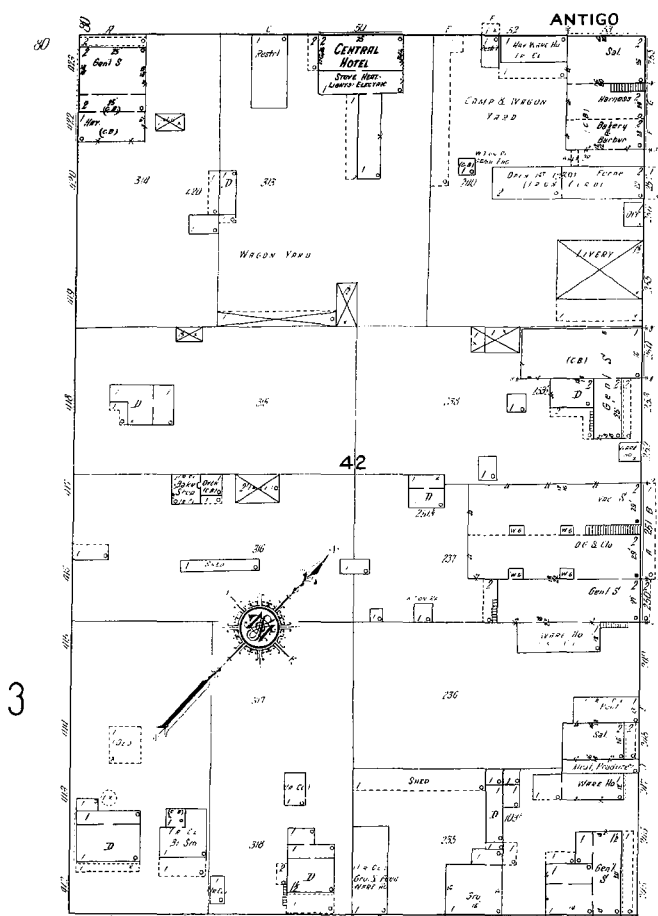
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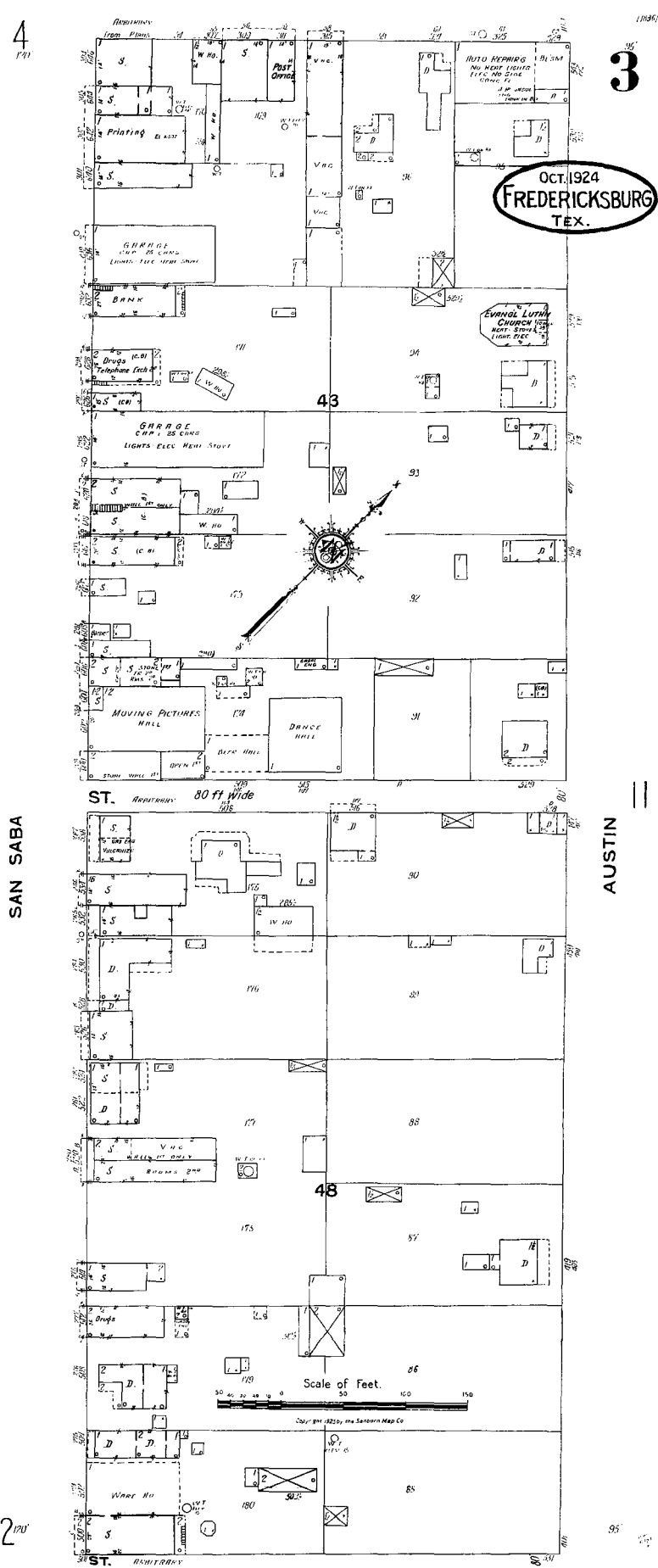
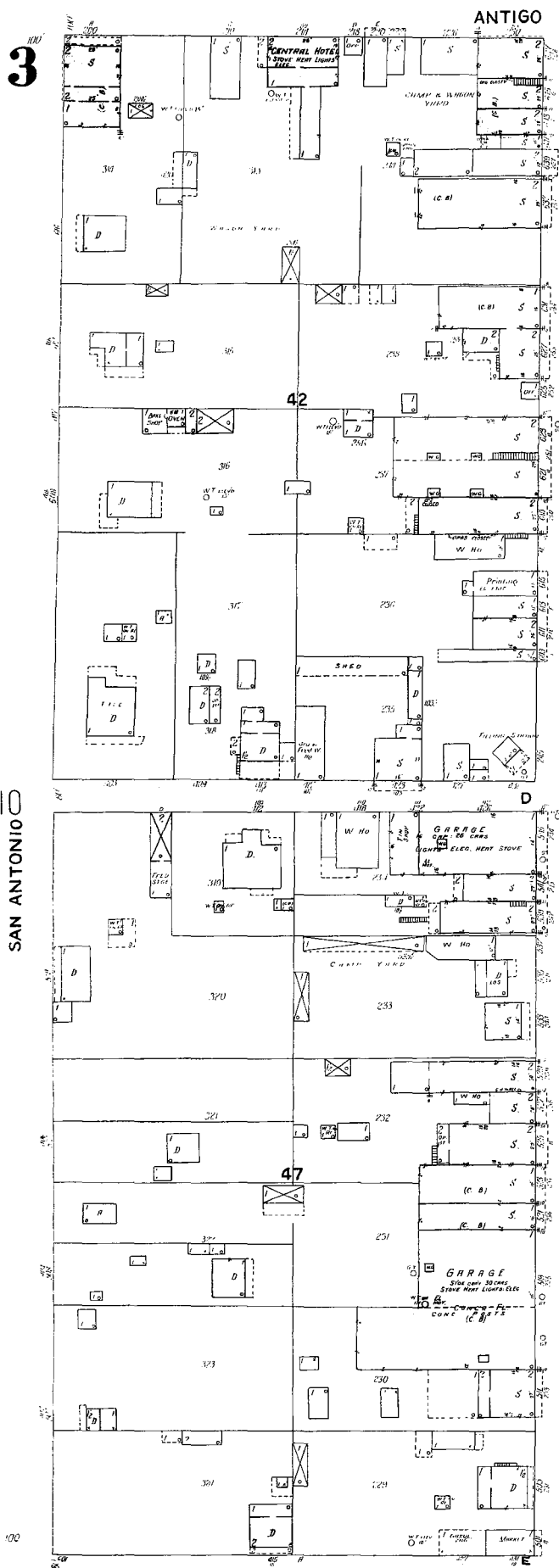
Streets level, not paved, while lights electric.



STREETS			SPECIALS		
A	STREET	NUMBER	First, Francis (arbitrary).	500-809	C
A Street (arbitrary).	120-235	3	100-215	11	Central Hotel,
"	301-485	6	"	"	Citizens Light and Power Co.
"	301-485	6	G Street (arbitrary).	401-525	* Collins Co. Wholesale Warehouse.
"	500-733	3	Gin (arbitrary).	"	* County Court House.
Angico (arbitrary).	100-114	10	"	"	" Fair Grounds and Buildings.
"	100-115	9	I	"	Depot Gin.
"	200-334	3	Its.	K	E
"	301-485	6	Kerrville Road.	7. 8 & 10	Evangelical Lutheran Church.
"	(301-485) 3	3	Keyser.	"	"
"	400-632	11	L	"	"
"	401-633	3	Llano Road.	100-317	11 Fire Department.
"	201-548	2	"	"	First M. E. Church (South). Sunday
"	210-524	11	Mabel.	210-511	11 School, etc.
"	401-548	3	Maple.	100-114	11 Fredericksburg Bottling Works.
"	500-824	9	"	"	" Cannery.
"	601-747	4	Mary (arbitrary).	100-115	9 Grammar School.
"	801-947	5	Mesquite (arbitrary).	100-115	10 High School.
"	900-1210	6	"	"	"
"	1001-1221	6	N	"	G
B Street (arbitrary).	100-131	3	Northeast.	100-116	* Gillespie County State Bonded Ware-
"	132-234	3	Oak.	7 & 10	10 Gulf Refining Co. Oil Tanks.
"	132-232	3	Orchard.	100-233	9 H
"	200-431	3	"	"	" Holy Ghost Lutheran Church.
"	500-895	3	P	"	" K
"	501-507	7	Park Drive.	"	" K
"	100-115	9	Peach (arbitrary).	100-115	8 Kuenemann H., Lumber Co. Planing
Bernice (arbitrary).	100-215	11	Pear (arbitrary).	100-315	7 Mill, etc.
Bessie (arbitrary).	100-315	11	Poplar.	"	" M
Bluff Ave.	"	"	"	"	" M
Butte (arbitrary).	"	"	San Antonio.	330-438	* 10 Magnolia Petroleum Oil Co. Warehouse.
C Street (arbitrary).	100-213	8	"	501-512	10 Main Hotel, W. Machine Shop.
"	301-431 & 6	3	"	"	10 Marshall, F. Mattress Factory.
"	500-607	9	"	"	11 Methodist Church (North).
"	217-517	11	"	"	11 Mexican Catholic Church.
Centre.	100-127	3	"	"	"
"	100-127	3	"	"	"
Cherry (arbitrary).	210-517	11	"	"	"
College.	518-523	9	San Saba.	1001-1022	6 Nagel Bros. Marble and Granite W'ks.
"	519-525	11	"	"	2 Nimitz Hotel.
"	500-824	9	"	"	" O
Comfort Road.	100-131	11	"	"	" Ostraw Hotel.
Corn.	100-214	9	Second.	120-415	6 P
"	100-215	7	"	"	7 Pfls Bros. Cotton Gin M'f'g.
Creek Apple Road.	500-622	10	Shubert.	520-029	11 Pierce Oil Corp., Oil Tanks.
"	700-923	8	"	603-823	9 First Office, Station 311 Angico St.
"	1000-1315	6	Specht.	100-1215	2 San Saba St.
"	"	"	"	100-219	" R
"	"	"	"	221-225	9 Reliance Roller Mill.
D Street (arbitrary).	100-215	10	"	"	6 R. C. Church & School, San Antonio St.
"	400-531	3	Third.	"	"
"	600-709	11	"	"	"
Diary Ave. (arbitrary).	"	"	Ufer.	100-421	10 St. Joseph's Hall.
"	"	"	"	"	4 Mary's School.
E Street (arbitrary).	100-233	10	Viola (arbitrary).	100-315	11 S. A. P. & N. R. R. Depot.
"	400-524	2	"	"	7 Schumpe Bros. Lumber and Beer Vault.
"	401-531	3	"	"	10 Smith, W. E., Whole Gro. Warehouse
Elkton (arbitrary).	100-115	8	Walch Ave.	100-221	7 South West Granite Co.
"	200-322	4	Wanau.	100-121	11 Stein Lumber Co. Lumber Shop.
"	400-327	3	"	900-893	9 Stein Lumber Co. Planing Mill, etc.
Exposition Ave.	7 & 10	"	"	900-1215	7 Steins Ice Factory, Ice Cream Dept.,
"	"	"	"	"	" T
F Street (arbitrary).	100-233	10	"	"	" Texas Oil Co. Oil Tanks.
"	301-485	2	"	"	7 Turner Social Club.
"	600-709	11	"	"	" Z
"	100-129	11	B	"	9 Bess Bros. Cement Work.
Fair (arbitrary).	12				

* Indicates only one side of Street shown.





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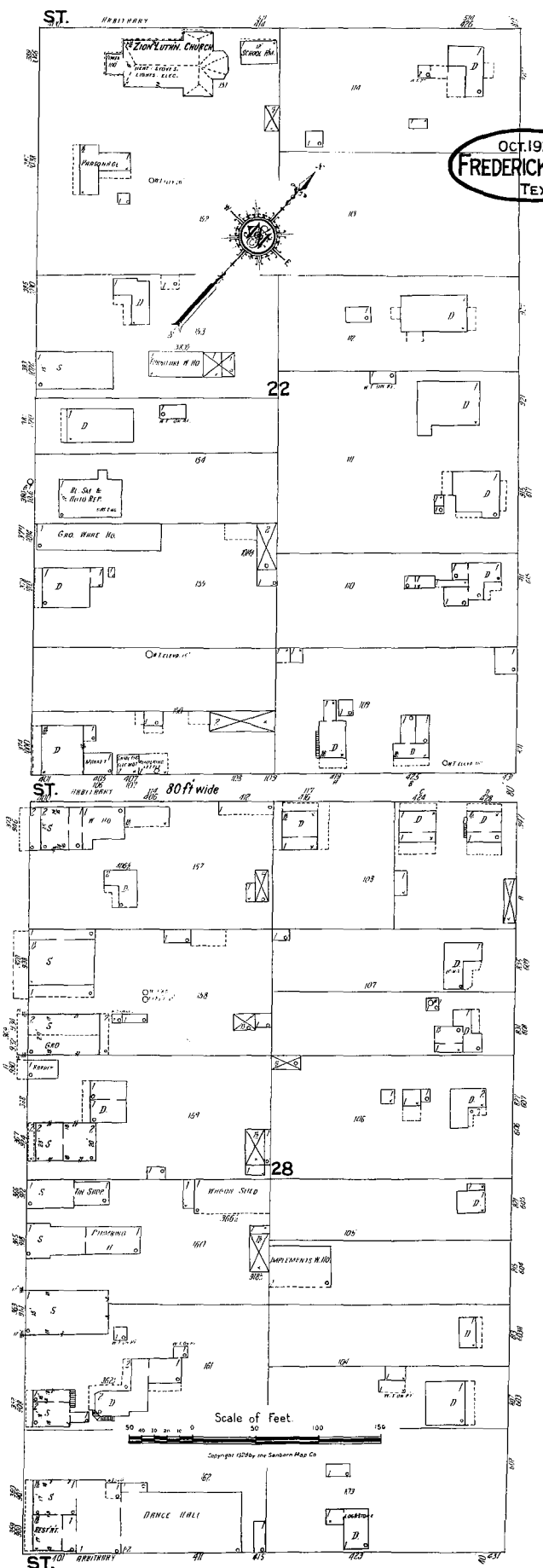
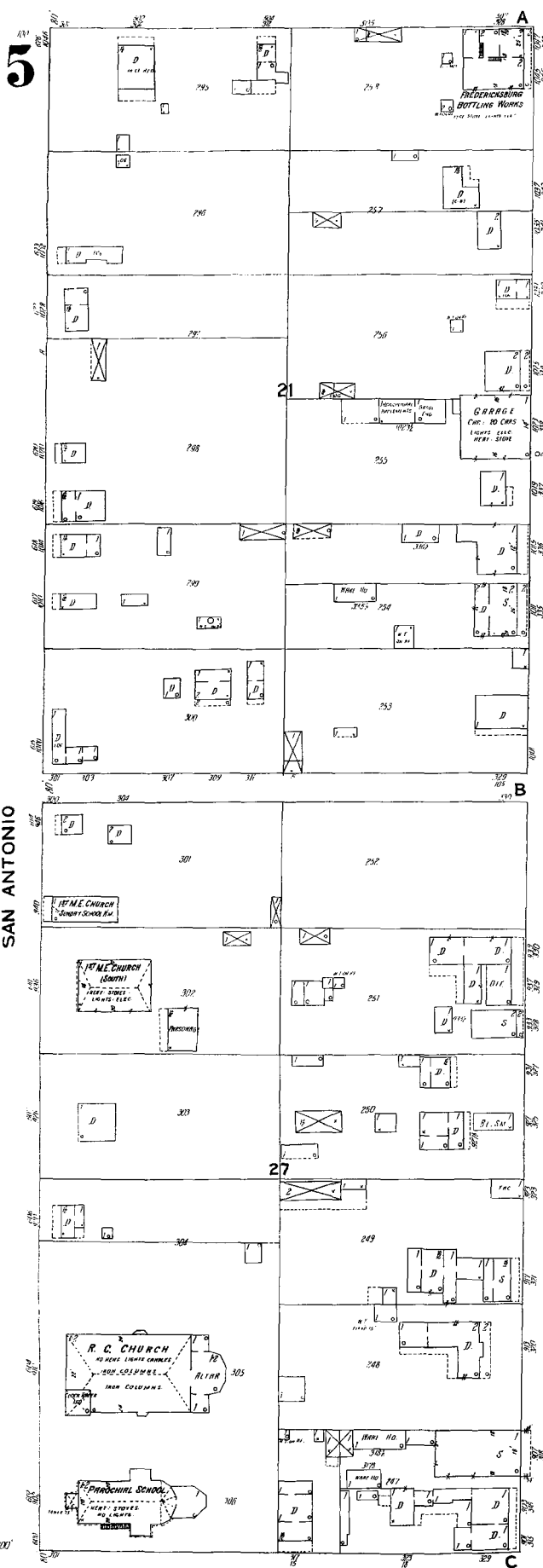
SAN ANTONIO

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SAN SABA

AUSTIN

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OCT. 1924
FREDERICKSBURG
TEX.

Scale of Feet

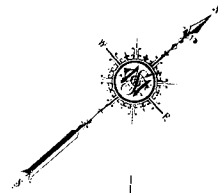
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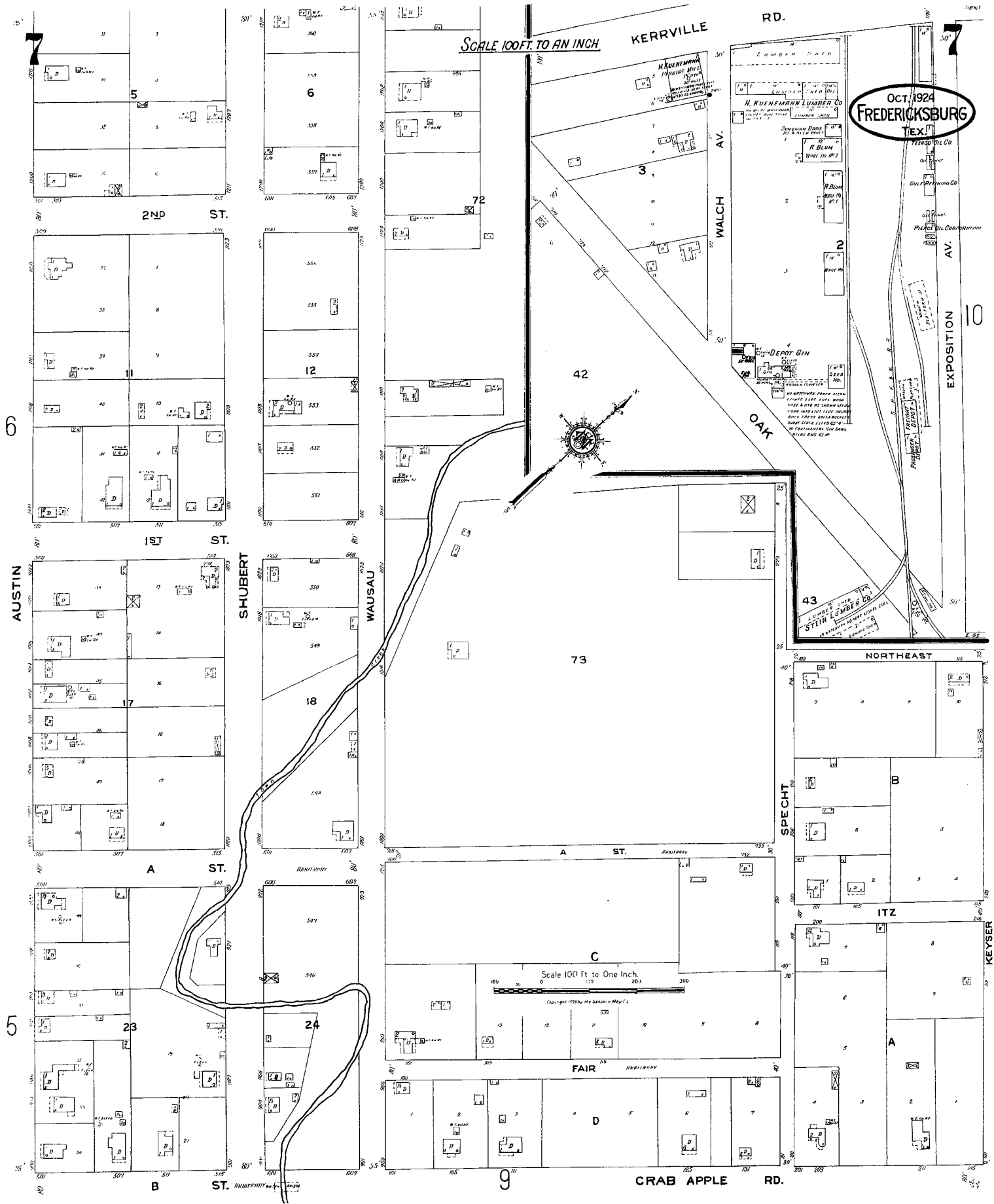
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OCT. 1924
FREDERICKSBURG
TEX.

SCALE 100 FT. TO AN INCH

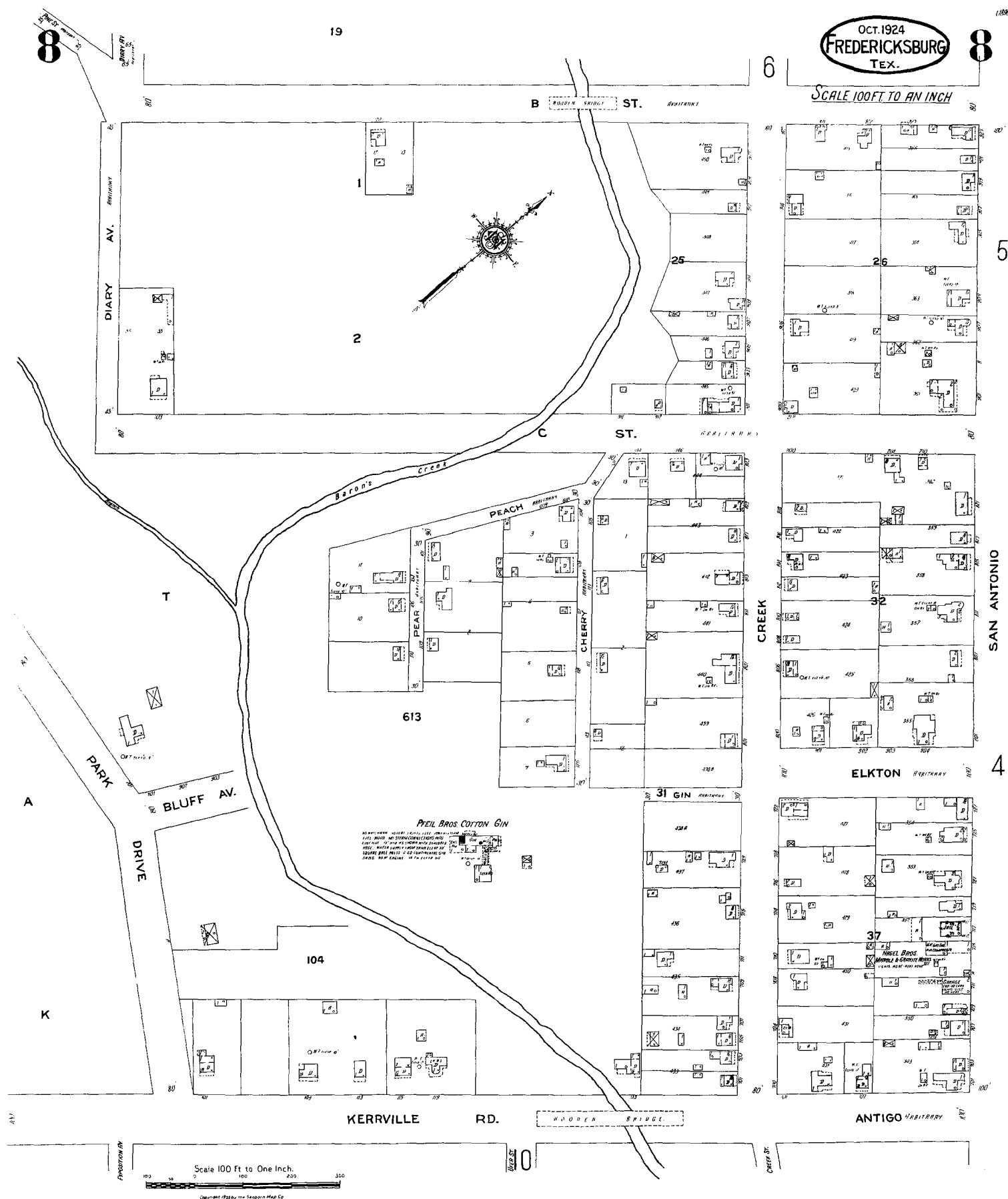




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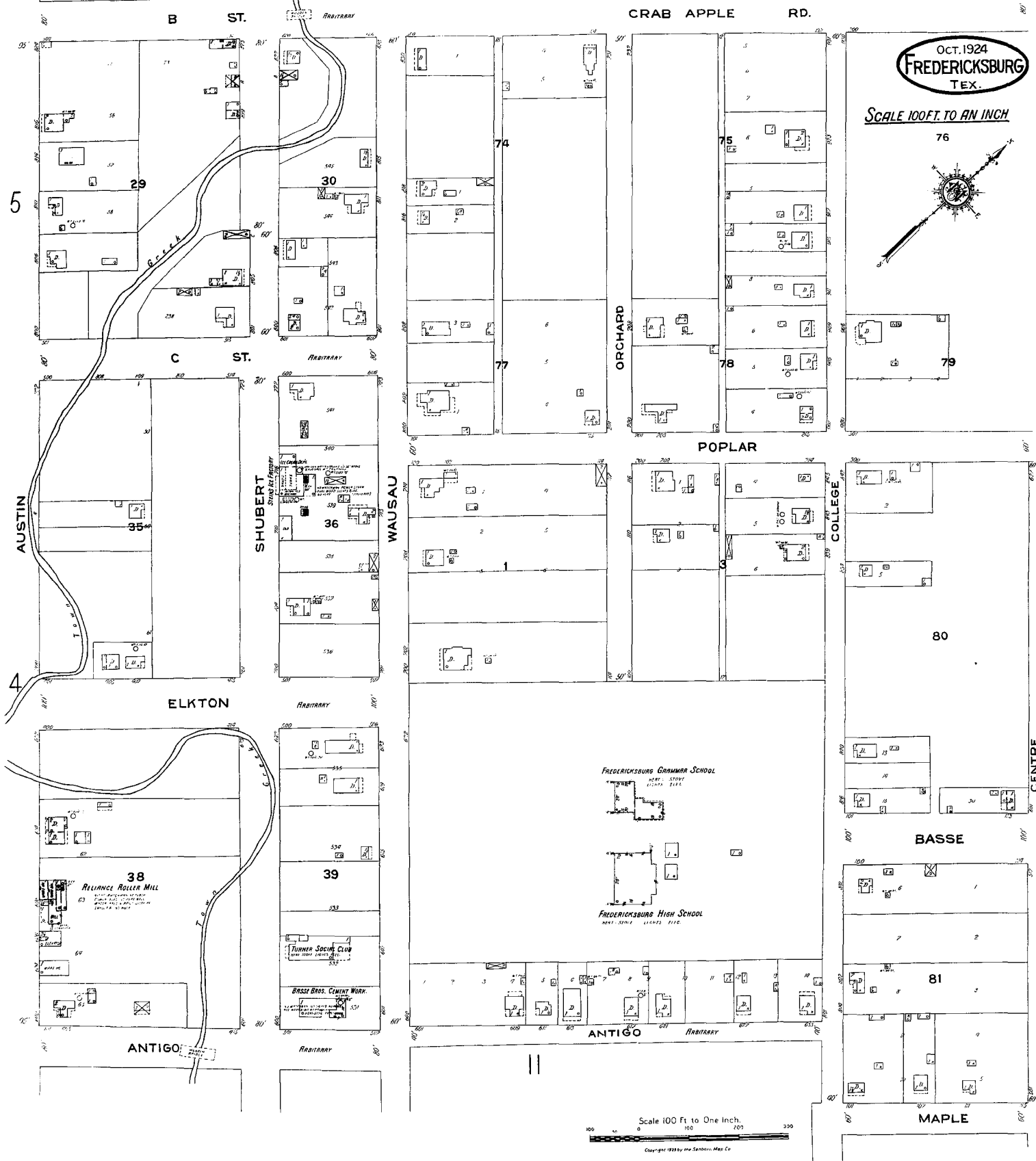
SCALE 100 FT TO AN INCH



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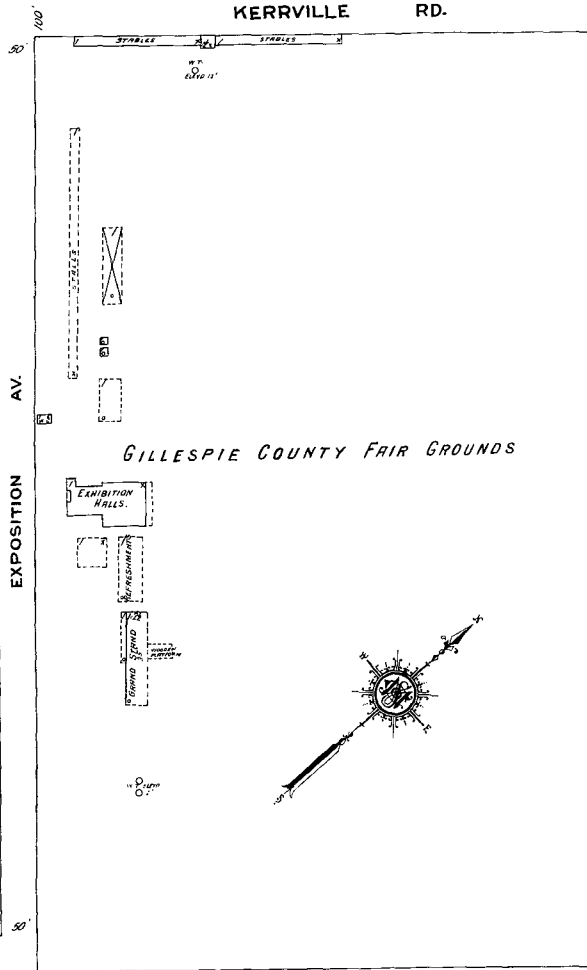
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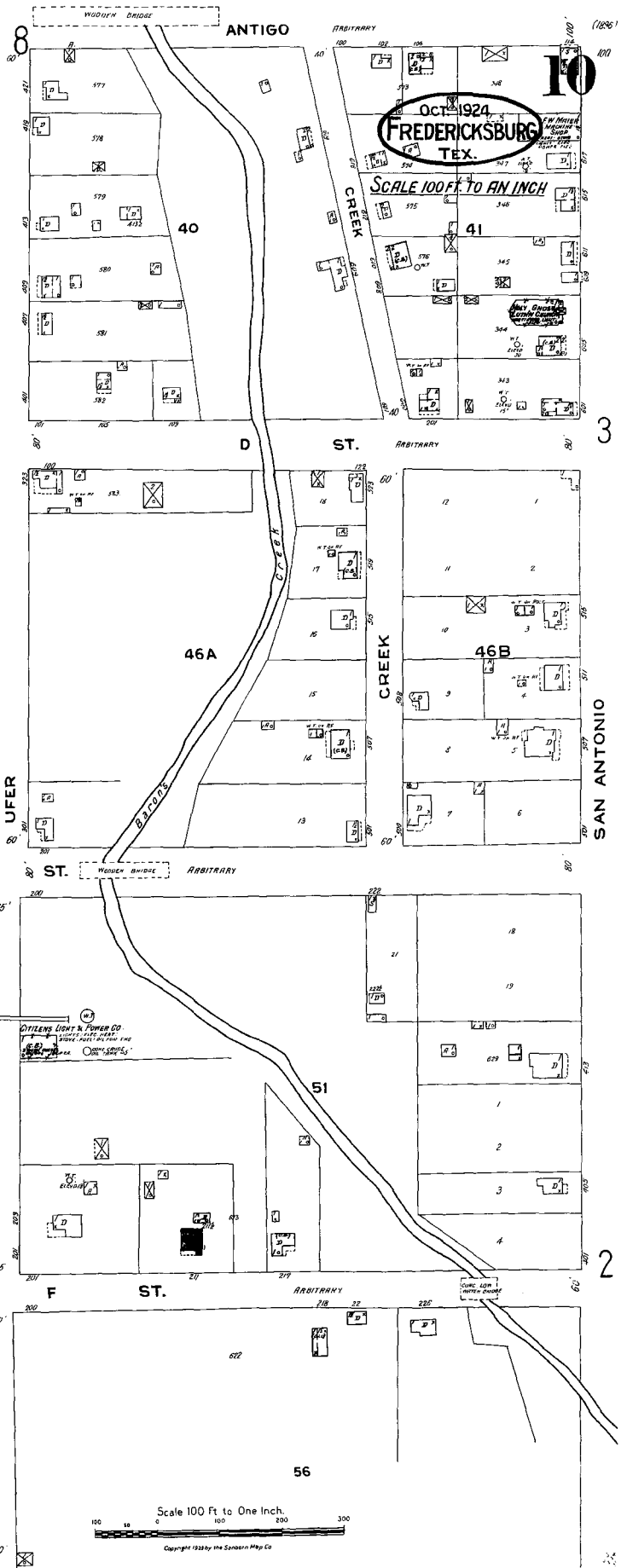
KERRVILLE RD.



GILLESPIE COUNTY FAIR GROUNDS

EXPOSITION AV.

7



ANTIGO

Oct 1924
FREDERICKSBURG
TEX.

SCALE 100 FT TO AN INCH

CREEK

ST.

CREEK

SAN ANTONIO

UFR

ST.

ST.

Scale 100 Ft to One Inch.

Copyright 1924 by the Southern Map Co

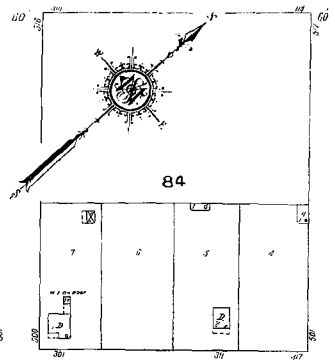
GILLESPIE CO STATE BONDED
WIRE NO. 00
NO INTERCROSSING, NO INTERS, NO HUNT
NO FLEASURE ON EITHER SIDE

OCT. 1924
FREDERICKSBURG
TEX.

SCALE 100 FT. TO AN INCH

MAPLE

84



COLLEGE

MEXICAN CATHOLIC CHURCH

CENTRE

Scale 100 ft. to One Inch.

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9

ANTIGO

CORA

LLANO

RD.

MARY

VIOLA

MABEL

FRANCIS

BESSIE

BERNICE

ANTIGO

ST.

SHUBERT

WAUSAU

D. HOBBS BRIDGE

ST.

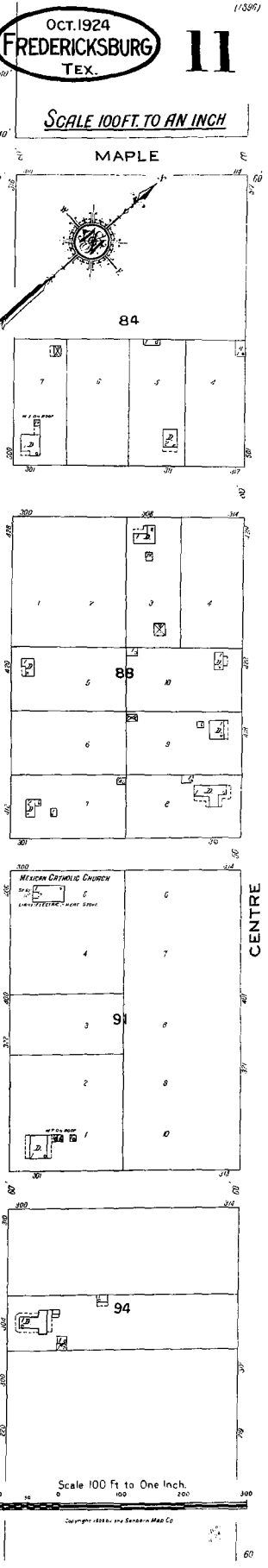
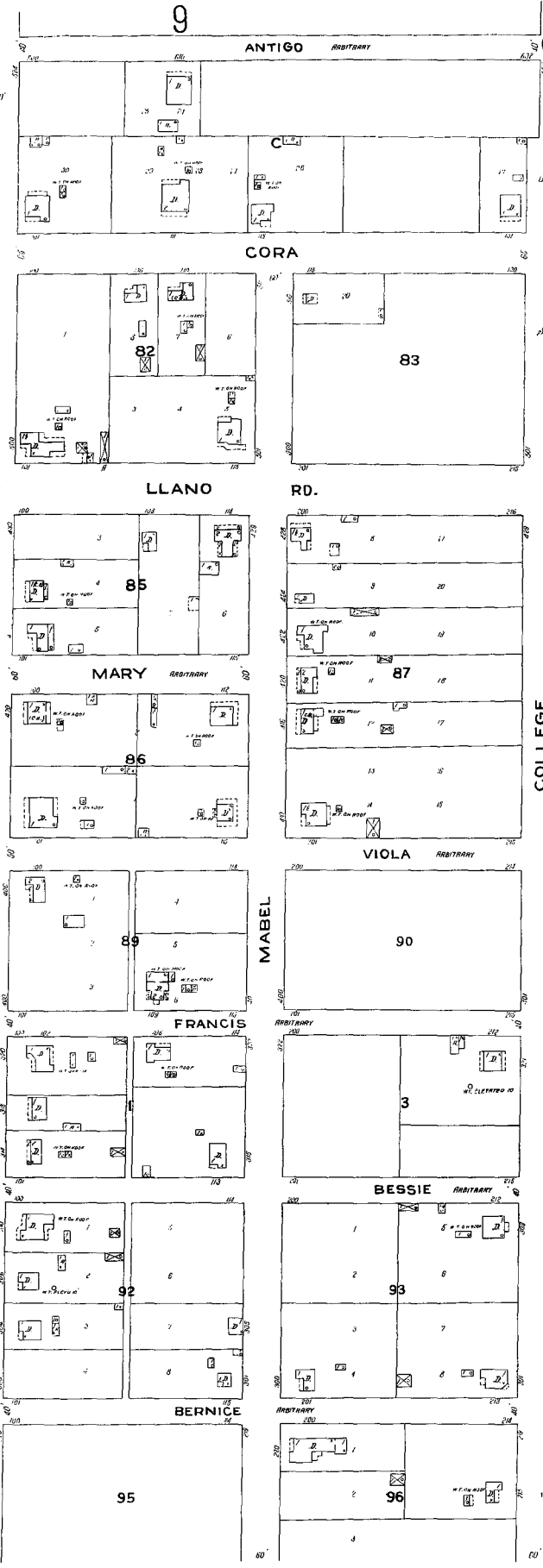
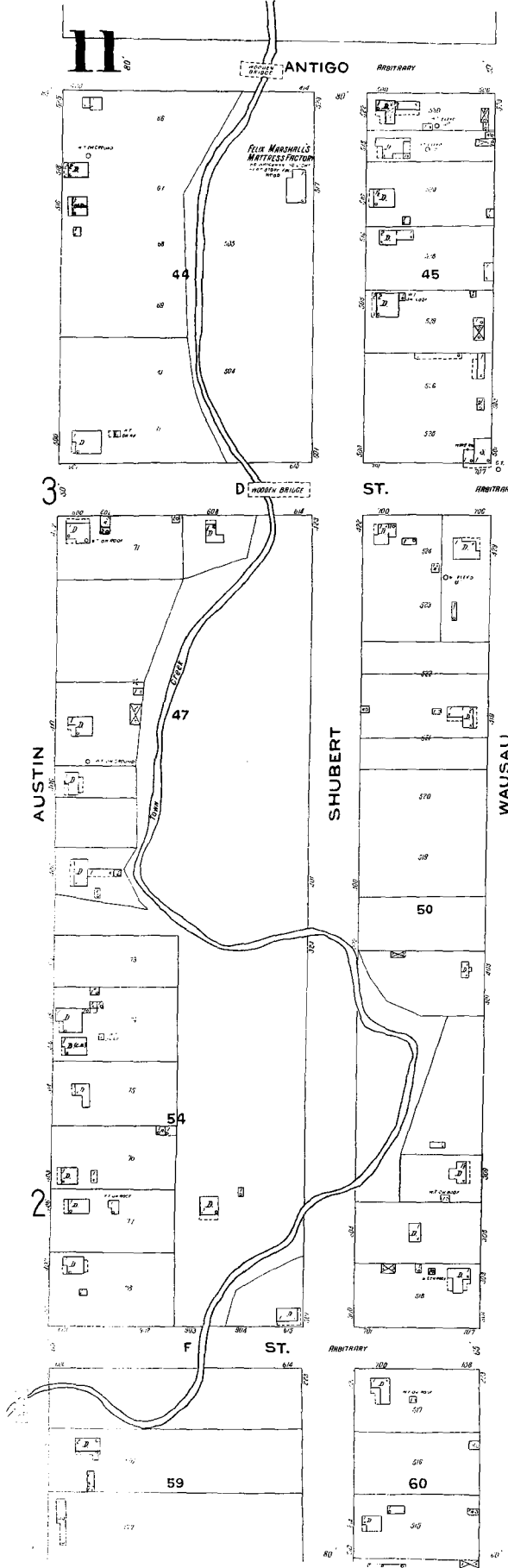
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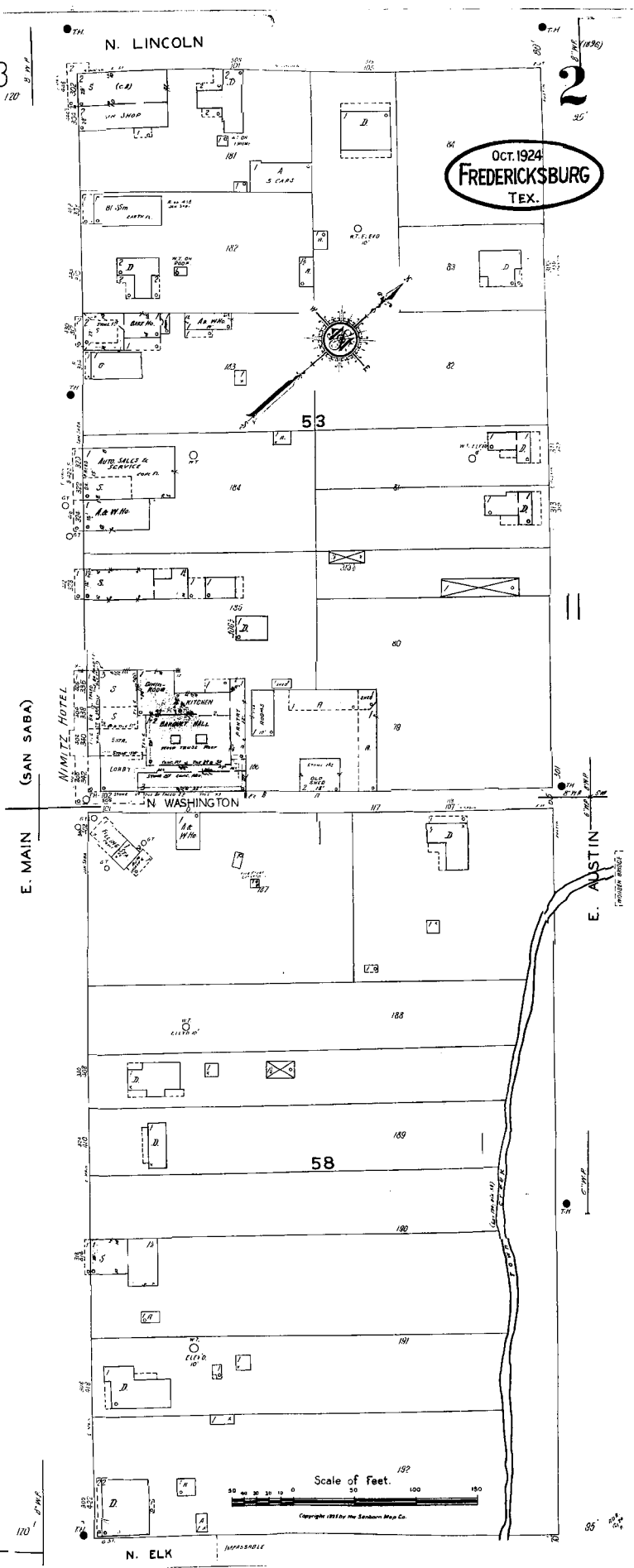
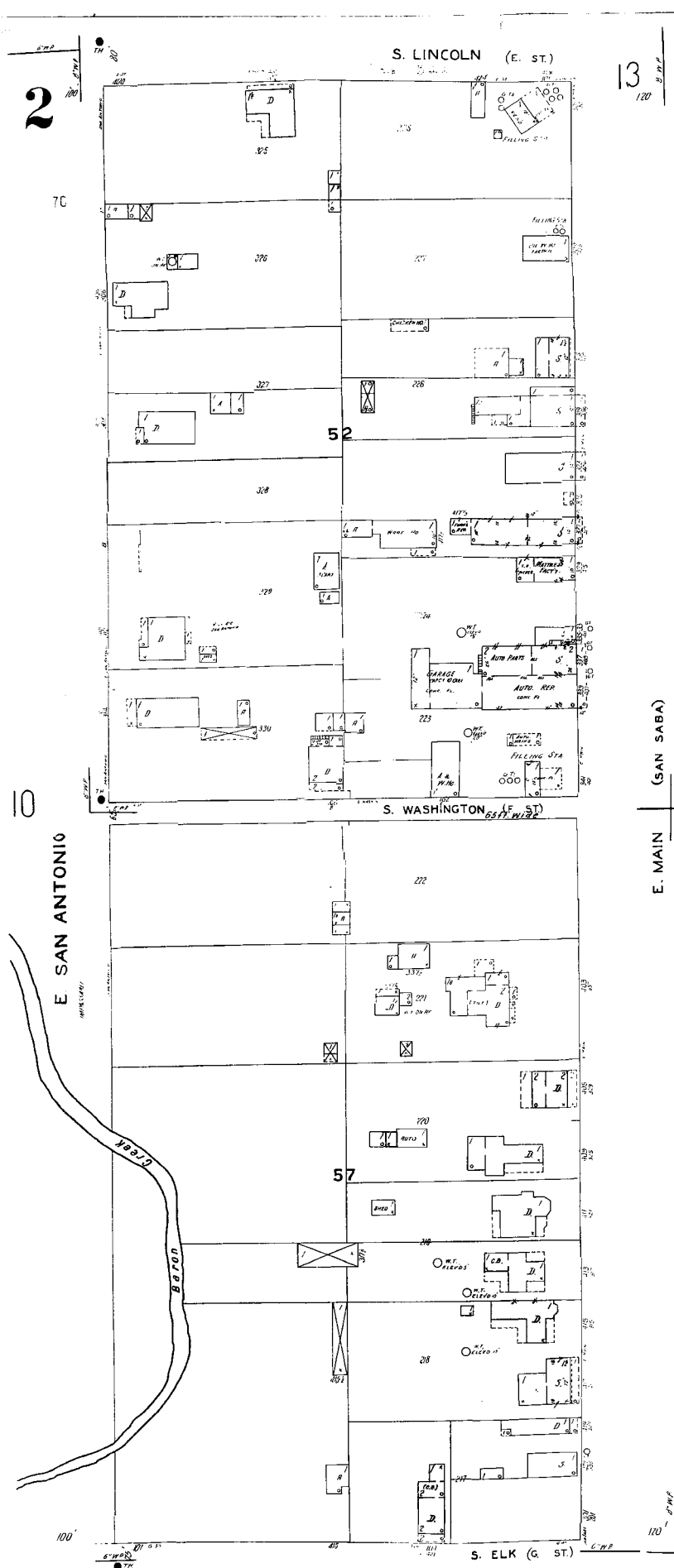
AUSTIN

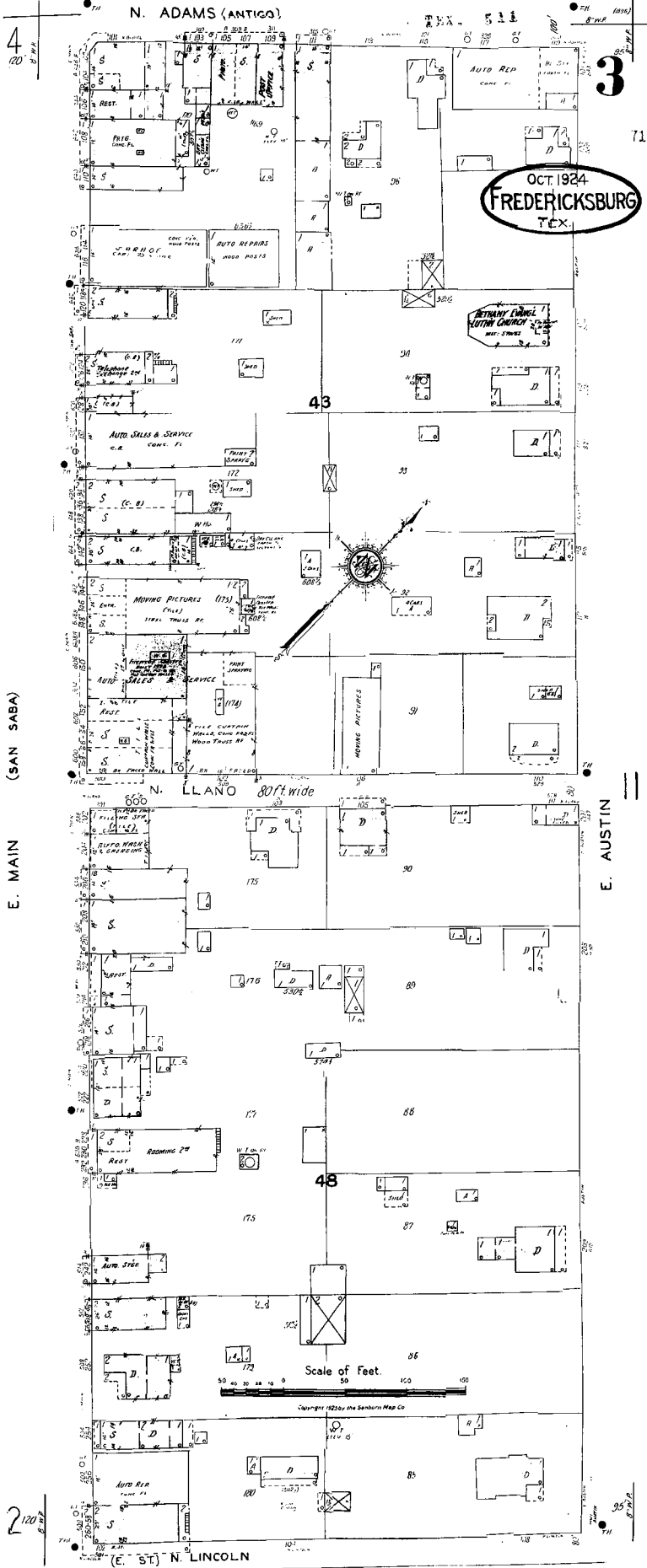
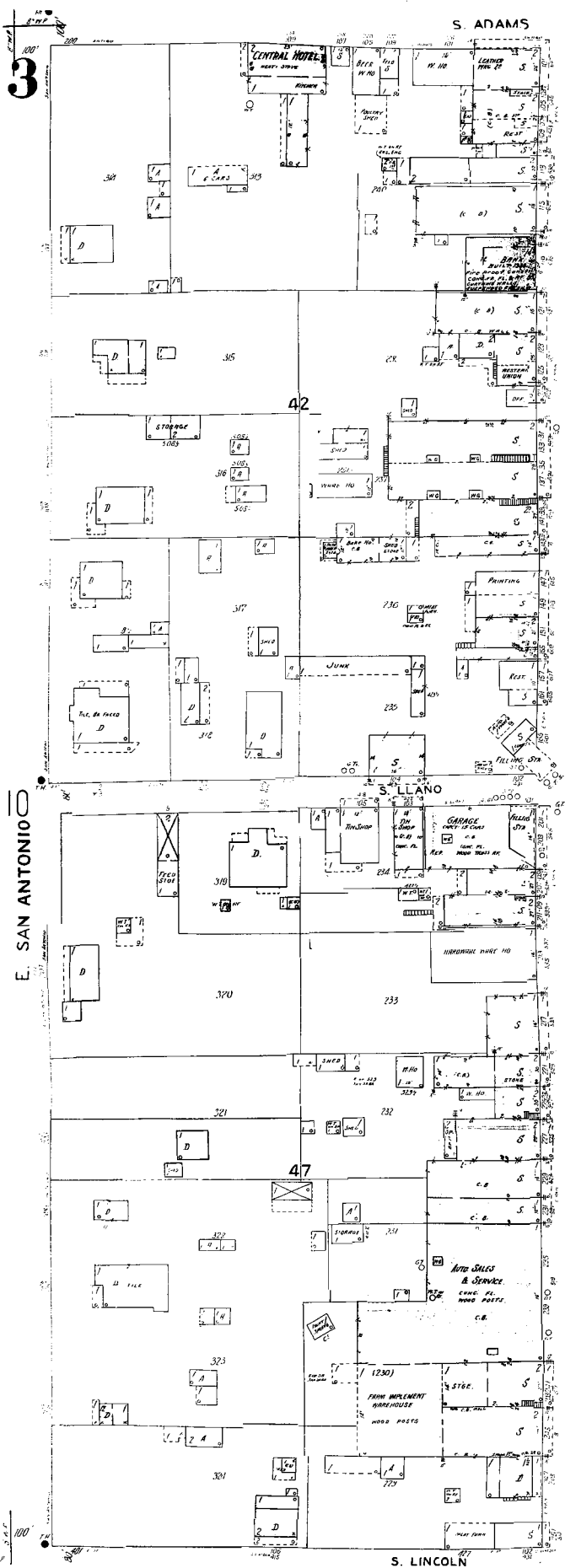
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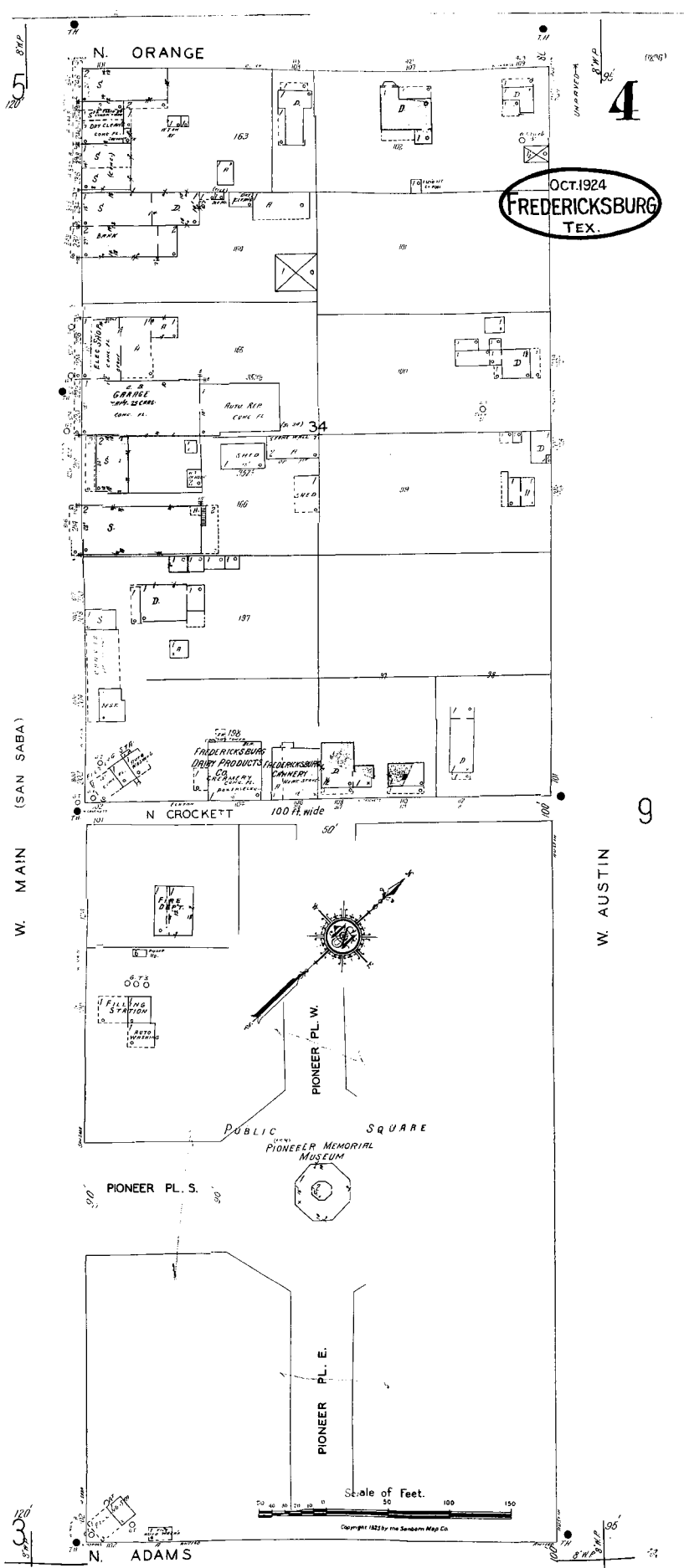
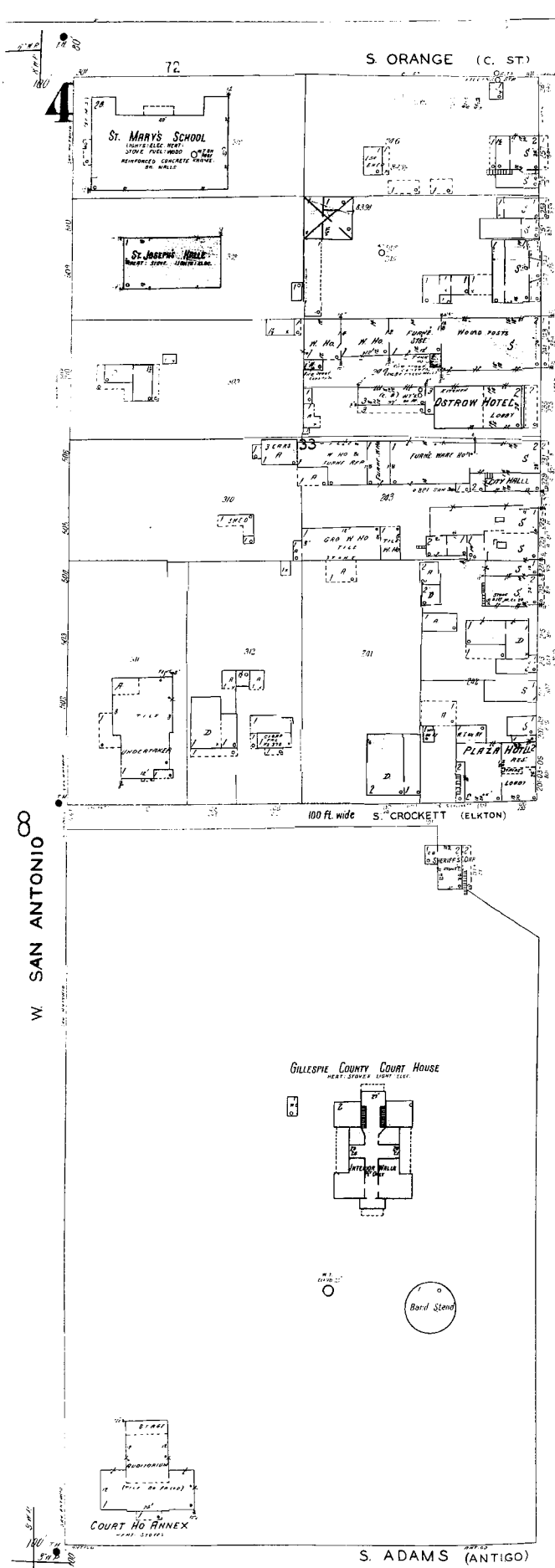
* Indicates only one side of Street shown.

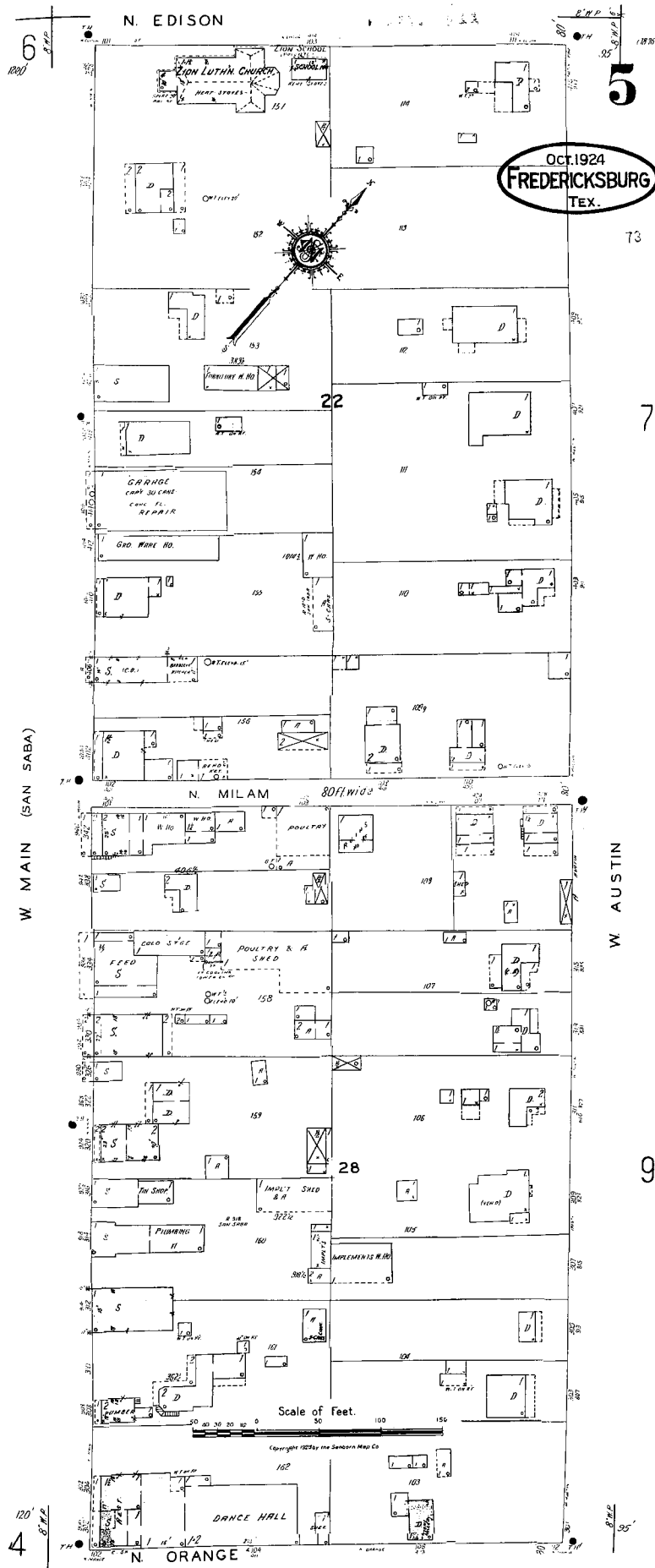
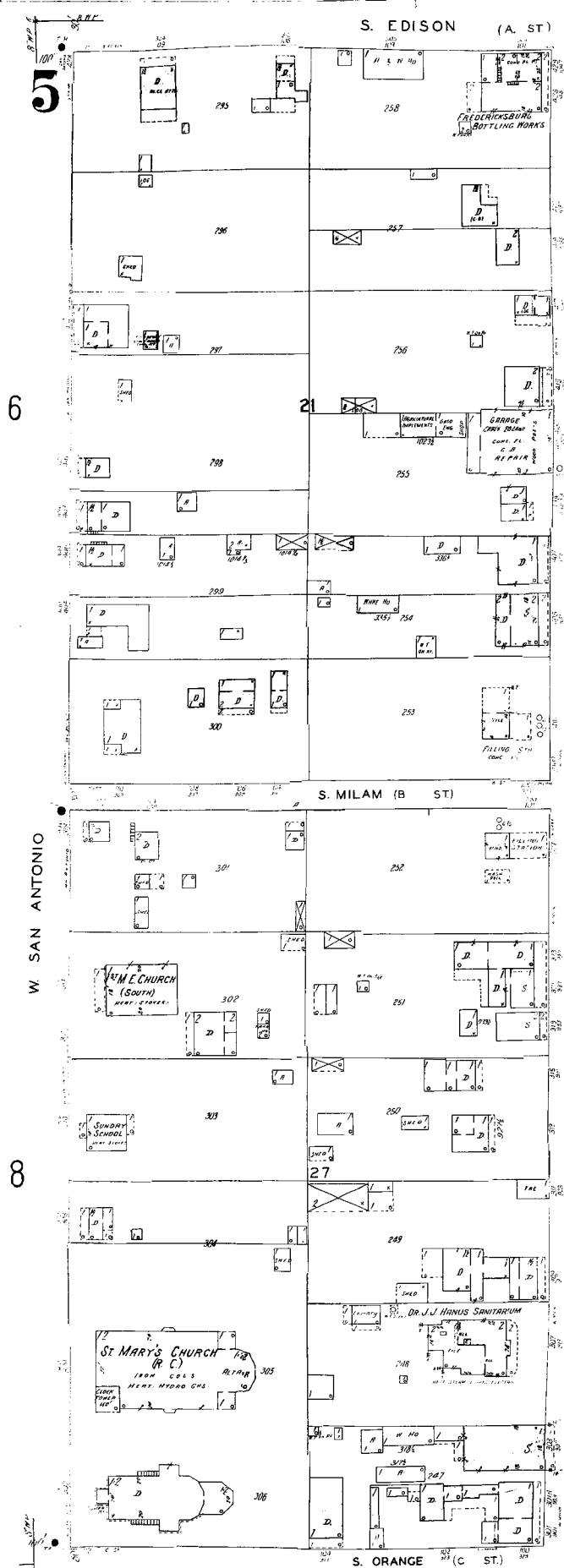




OCT 1924
FREDERICKSBURG
TEX.

Scale of Feet
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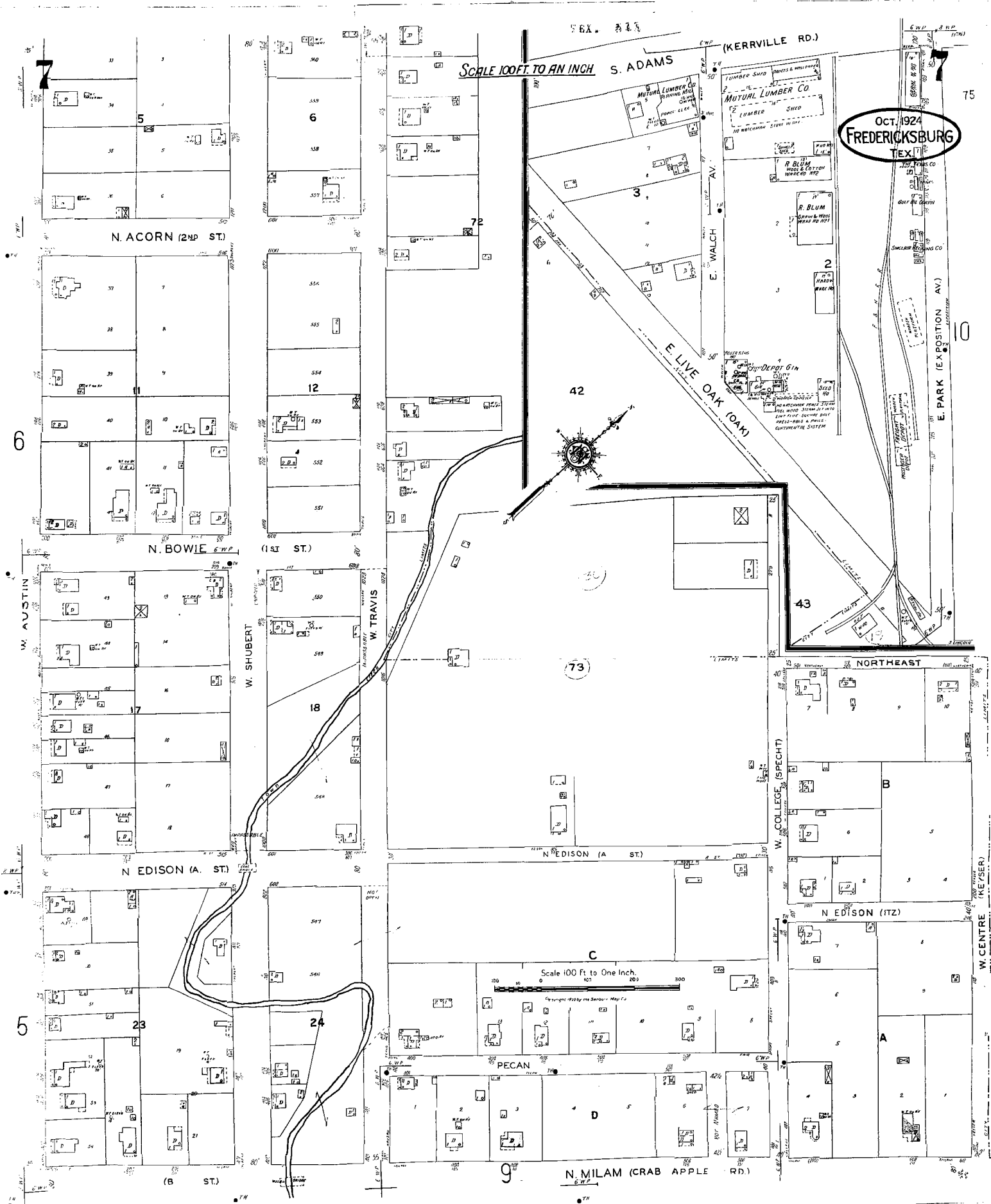
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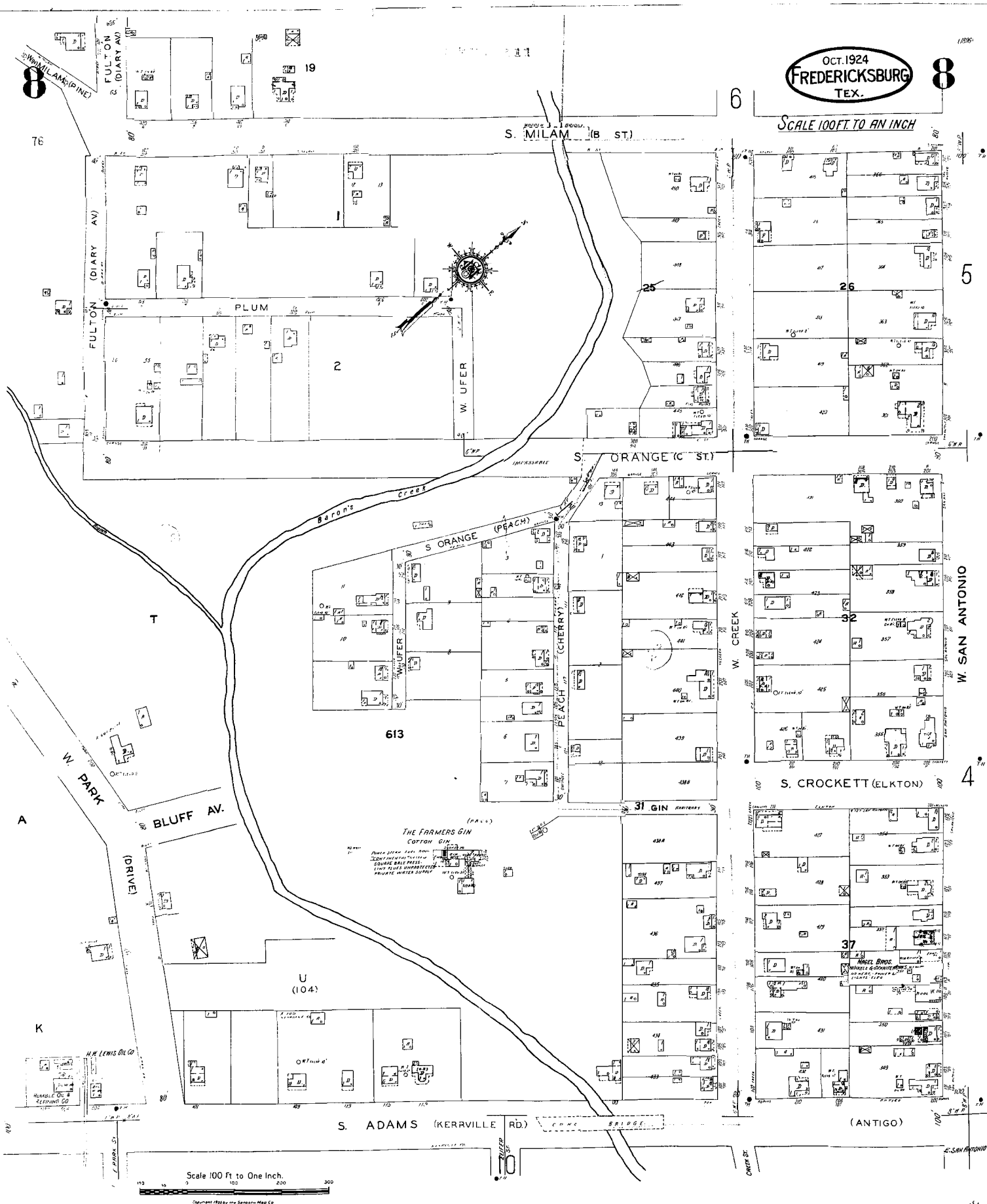
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OCT. 1924
FREDERICKSBURG
TEX.

SCALE 100 FT. TO AN INCH







OCT. 1924
FREDERICKSBURG
TEX.

SCALE 100 FT. TO AN INCH

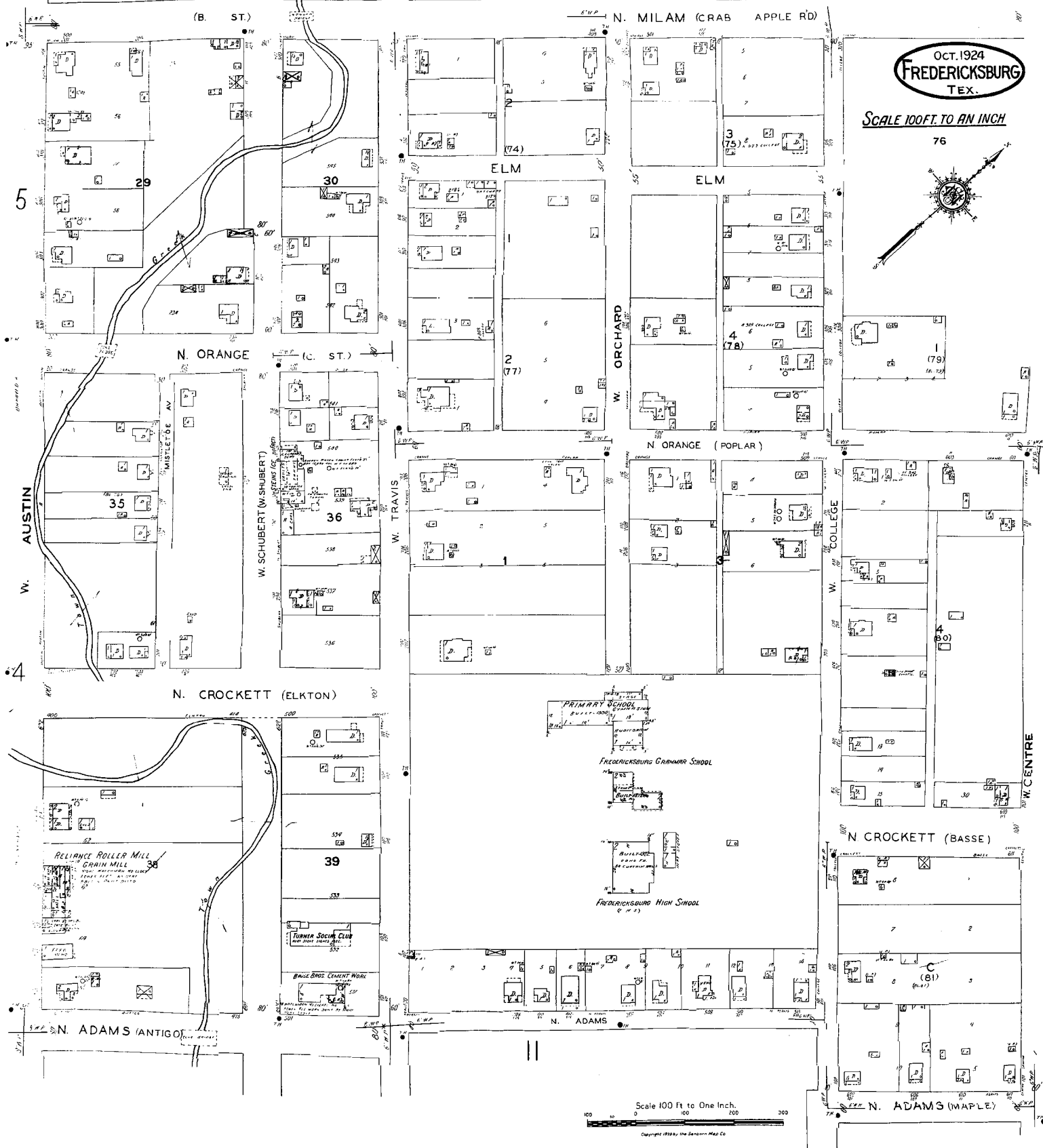
Scale 100 Ft to One Inch.

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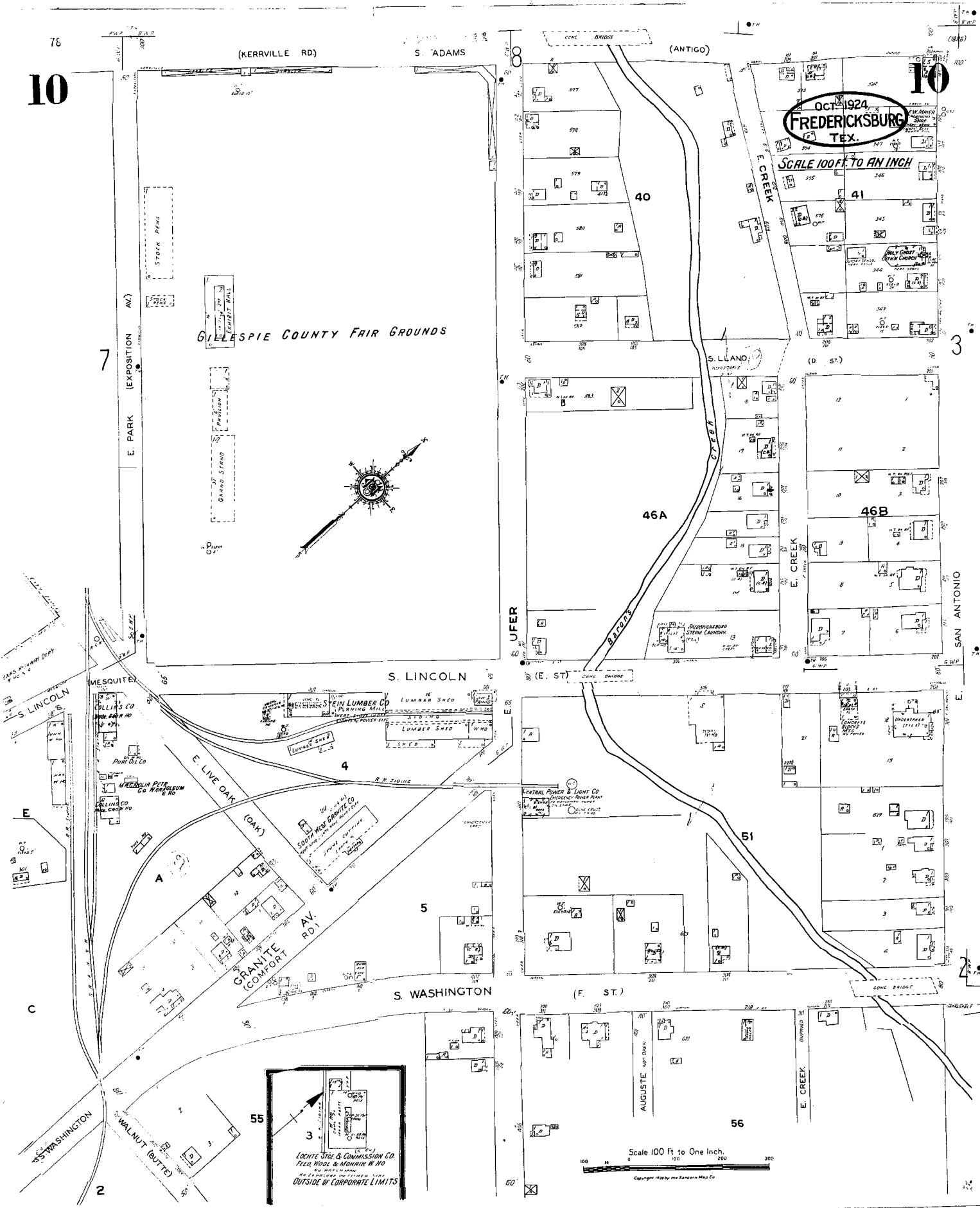
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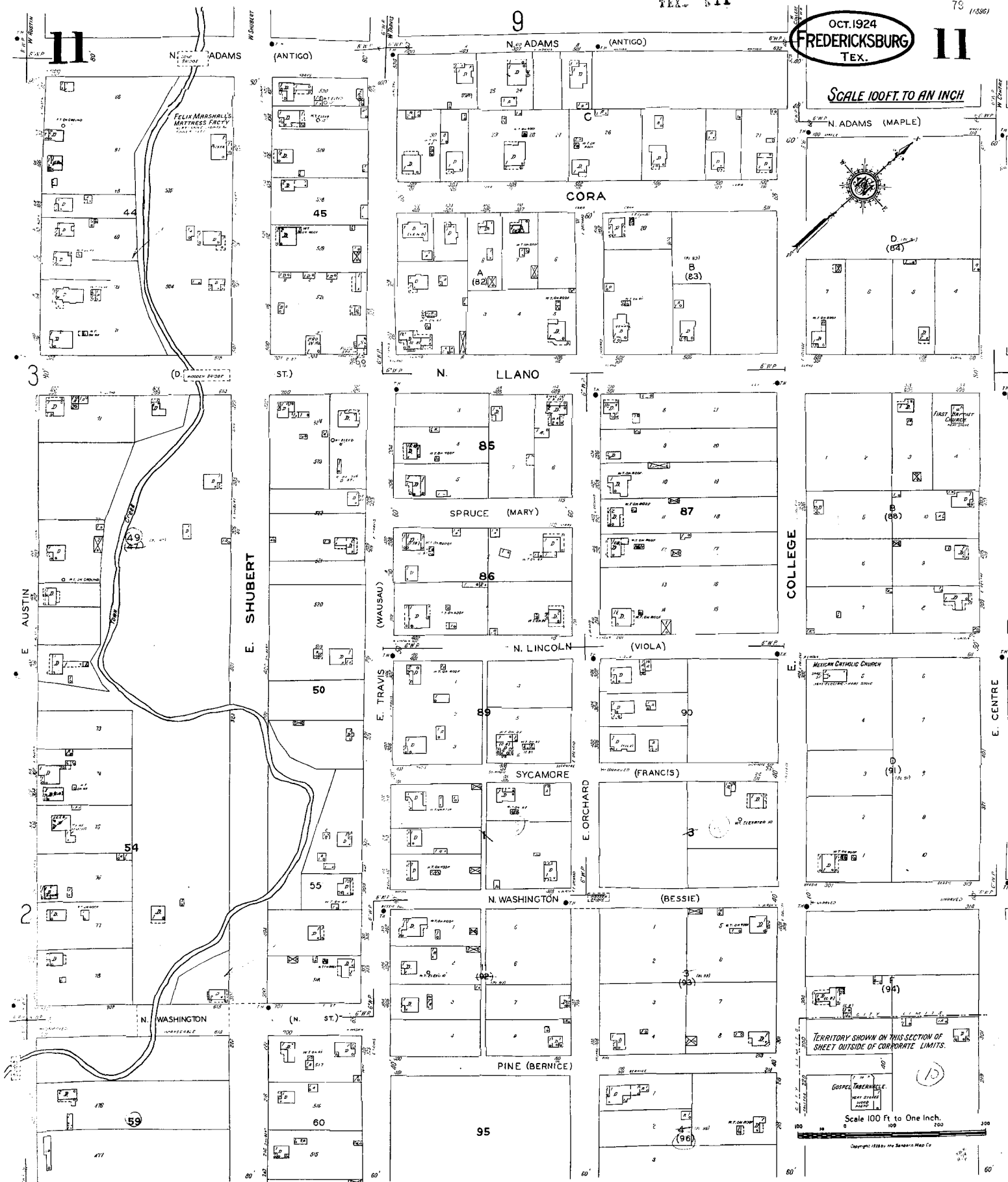
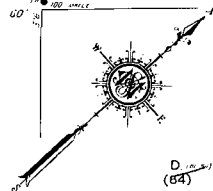
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OCT. 1924
FREDERICKSBURG
TEX.

SCALE 100 FT. TO AN INCH



KEY

TILE 1ST BRICK 32 PYROCEM 152	Fire proof construction. (OR FIRE RESISTIVE CONSTRUCTION)
ADOBES	Adobe building.
HEIGHT OF BUILDING IN FEET FROM GROUND TO ROOF LINE	Stone building.
(C. BR.)	Concrete, lime, cinder or cement brick
(C. B.)	Hollow concrete or cement block construction
(CONC.)	Concrete or reinforced concrete construction
(TILE)	Tile building.
NUMBER OF STORIES 4	Brick building with frame cornice.
TWO STORIES AND 2ND COMPOSITION ROOF	" " " stone front.
SHINGLE ROOF	" " " frame side. (DIVIDED BY FRAME PARTITION)
(VEND)	Brick veneered building.
BRICK 1ST	" and frame building.
FRAME, BRICK LINED	Frame building, brick lined.
F=FLAT S=STORE	" " metal clad.
D=DWELLING	Frame building.
A IN B AUTO IN BSMT	Iron building.
LOFT	Tenant building occupied by various manufacturing or occupancies
(ASB. CL.)	Frame building covered with asbestos
NON COMBUSTIBLE ROOF COVERING OF METAL, SLATE, TILE OR ASBESTOS SHINGLES	Brick building with brick or metal cornice.

DWELLINGS.

Framed air shafts are shown but colored over. Brick air shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or circles. Classified by New York Board of Fire Underwriters as follows:

BRICK

1st Class (.) Slate or metal roof, coped walls. 1st Class (.) Slate or metal roof.
2nd " (. .) " " walls not coped. 2nd " (. .) Shingle roof.
3rd " (. . .) Shingle roof.

FRAME

Frame Buildings with BRICK FRONTS.

78' 5 Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

" Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable material "throughout," except flooring and trim.

Communications protected by single fire-proof doors { With designation
" " double " " } of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or
Hatchways or "Dumb-waiters." { Fire-proof material a heavy line is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient space, and their construction classified by the same marks as on Dwellings. Other Specially Hazardous Risks are COLORED GREEN, the varying number of dots (brick) and crosses (frame) showing the comparative danger from fire by occupancy.

NOTE.—In classifying a building as a Special, its CONSTRUCTION is obliterated, necessitating a series of letters, as follows:

BRICK.

A Construction = to 1st class Warehouse.
B " = " 2nd " "
C " = " 3rd " "
D " = " 1st " Store or Dw'g.
E " = " 2nd " " "
F " = " 3rd " " "

FRAME.

G Construction = to 1st class Store or Dwelling.
H " = to 2nd class Store or Dwelling.

Brick Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers. Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.) Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes, Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas fixtures, Gold pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers. Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire workers. Wool-pullers.

Brick Frame

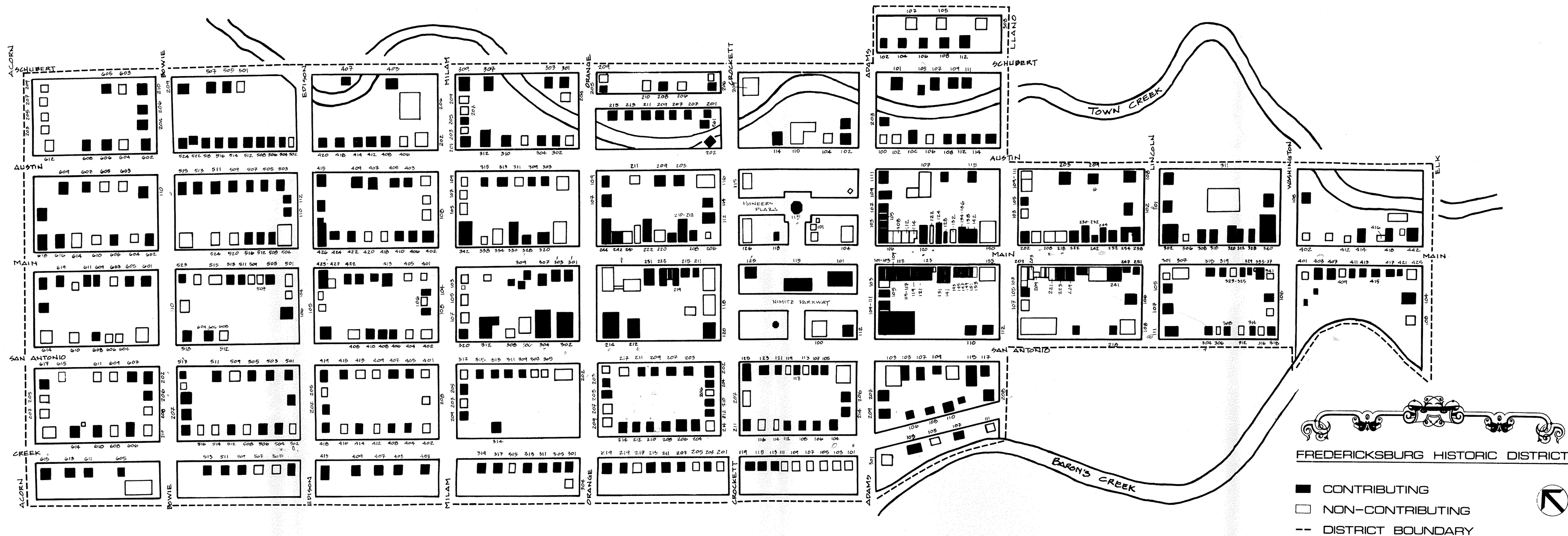
Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton presses. Fulling mills. Junk shops. Letter-press printers. Lithographers. Livery and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements. Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns, Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes, Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-type foundries. (And generally buildings not occupied by workers of light wood).

Brick Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging, Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings, Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments. Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with compounding). Woolen mills. (And generally risks where much heat or light wood is used.)

Brick Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale. Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine distilleries. Varnish making. Window-shade factories.





HISTORIC REVIEW BOARD AGENDA MEMO

DEPARTMENT: Development Services

TO: Historic Review Board

APPLICATION:

MEETING DATE: September 12, 2024

CATEGORY: DISCUSSION ITEMS

CAPTION: Best Practices

SUMMARY:

RELEVANT ORDINANCE AND DESIGN GUIDELINES/STANDARDS:

STAFF RECOMMENDATION:

ATTACHMENTS:

1. Parliamentary Procedures

INTRODUCTION TO PARLIAMENTARY PROCEDURE

What is Parliamentary Procedure?

It is a set of rules for conduct at meetings that permits everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it is an established method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization.

What Guide Should Be Used for Parliamentary Procedure?

Today, *Robert's Rules of Order* newly revised is the most common handbook of operation for most preservation commissions, but there are other sources of parliamentary procedure that may be adopted by commissions. For those using *Robert's Rules*, the following is a simplified guide to what they include.

What are Motions?

A motion is a proposal that members take action, or a stand, on an issue. Individual members can:

1. Make a motion.
2. Second motions.
3. Debate motions.
4. Vote on motions.

There are Four Basic Types of Motions:

1. Main Motions: The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. Subsidiary Motions: Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. Privileged Motions: Their purpose is to introduce items that are urgent about special or important matters unrelated to pending business.
4. Incidental Motions: Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. Obtaining the floor:
 - a. Wait until the previous speaker has finished.
 - b. Raise your hand and/or address the Chair by saying, "Mr. Chair or Madam Chair."
 - c. Wait until the Chair recognizes you.
2. Make your motion:
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we..." rather than, "I move that we do not..."
 - c. Avoid personalities and stay on your subject.
3. Wait for someone to second your motion or the Chair to call for a second.
4. If there is no second to your motion, it is lost and may not move forward.
5. If there is a second, the Chair states your motion.
 - a. The Chair will say, "it has been moved and seconded that we..." thus placing your motion before the membership for consideration and action.
 - b. The members then either debate your motion, or may move directly to a vote.
 - c. Once your motion is presented to the members by the Chair it becomes "commission property", and cannot be changed by you without the consent of the members.
6. Expanding on your motion:

- a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always permitted to speak first.
 - c. All comments and debate must be directed to the Chair.
 - d. Keep to the time limit for speaking if one has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chair.
7. Putting the question to the members:
- a. The Chair asks, "Are you ready to vote on the question?".
 - b. If there is no more discussion, a vote is taken.

Voting on a Motion

The method of vote on any motion depends on the situation and the by-laws of policy of your commission. There are five methods used to vote by most organizations, and they are:

- 1. By voice — The Chair asks those in favor to say, "aye", those opposed to say "no". Any member may move for an exact count.
- 2. By roll call — Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
- 3. By general consent — When a motion is not likely to be opposed, the Chair says, "if there is no objection..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
- 4. By division — This is a slight verification of a voice vote. It does not require a count unless the Chair so desires. Members raise their hands.
- 5. By ballot — Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

- 1. Motion to table — This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the members.
- 2. Motion to postpone indefinitely — This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion. This method is rarely used by historic preservation commissions.

Making Parliamentary Procedure Work

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

- 1. Allow motions that are in order.
- 2. Have members obtain the floor properly.
- 3. Speak clearly and concisely.
- 4. Obey the rules of debate.

Most importantly, *BE COURTEOUS*.

PARLIAMENTARY PROCEDURE AT A GLANCE

To Do This: (See Note 1)	You Say This:	May You Interrupt the Speaker?	Must You Be Seconded?	Is the Motion Debatable?	Is The Motion Amendable?	What Vote is Required?
Adjourn the meeting (before all business is complete)	"I move that we adjourn."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote
Recess the meeting	"I move that we recess until..."	May interrupt speaker	Must be seconded	Not debatable	Amendable	Majority vote
Complain about noise, room temperature, etc.	"Point of privilege."	May interrupt speaker	No second needed	Not debatable (See Note 2)	Not amendable	None (See Note 3)
Suspend further consideration of something	"I move we table it."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote
End debate	"I move the previous question."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote
Postpone consideration of something	"I move we postpone this matter until..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Have something studied further	"I move we refer this matter to a committee."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Amend a motion	"I move that this motion be amended by..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Introduce business (a primary motion)	"I move that..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote

Object to procedure or to a personal affront (See Note 4)	"Point of order."	May interrupt speaker	No second needed	Not debatable	Not amendable	None (See Note 3)
Request information	"Point of information."	If urgent, may interrupt speaker	No second needed	Not debatable	Not amendable	None
Ask for a vote by actual count to verify a voice count	"I call for a division of the house."	May not interrupt speaker (Note 5)	No second needed	Not debatable	Not amendable	None unless someone objects (See Note 6)
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	May interrupt speaker	No second needed	Not debatable	Not amendable	Two-thirds vote required
Take up a matter previously tabled	"I move we take from the table..."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority required
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	May interrupt speaker	Must be seconded	Debatable if original motion is debatable	Not amendable	Majority required
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote required
Vote on a ruling by the Chair	"I appeal the Chair's decision."	May interrupt speaker	Must be seconded	Debatable	Not amendable	Majority in the negative required to reverse chair's decision

Notes:

1. These motions or points are listed in established order of precedence. When anyone of them is pending, you may not introduce another that's listed below it. But you may introduce another that's listed above it.
2. In this case, any resulting motion is debatable.
3. Chair decides.
4. The remaining list of motions, points and proposals have no established order of precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in the chart (motion to adjourn, motion to recess, point of privilege).
5. But division must be called for before another motion is started.
6. Then majority vote is required.

HOW TO FRAME A MOTION

First things first, a few definitions:

Certificate of Appropriateness — A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Deliberative Assembly — An organization comprised of members who use parliamentary procedure for making decisions. A local historic preservation commission is a deliberative assembly.

Finding of Fact — In parliamentary procedure, the findings of a deliberative assembly on issues of fact submitted to it for decision, usually used in formulating a judgment. "I find that the materials submitted are sufficient for the commission to render a judgment."

Motion — In parliamentary procedure, a formal proposal by a member of a deliberative assembly that the assembly take certain action

Parliamentary Procedure — Set of rules for conduct at meetings that allow everyone to be heard and to make decisions without confusion.

Parliamentary procedure, and specifically the use of motions, is essential in commission meetings to help them run smoothly. Additionally, through the use of motions commission members can ensure their actions and decisions are articulated and defensible.

By presenting a clear and concise motion based on your community's design guidelines, you are better able to inform the public as to why you are approving, approving with conditions or denying a Certificate of Appropriateness and avoid misunderstandings and ill-feelings towards the commission and your community's preservation agenda.



A well-framed motion is clear and easy for all to understand.

Example Motion

Mr. Chair, I have studied the application and all other relevant documents and presentations related to this case and I am familiar with the property in question

and I find that if constructed in accordance with the plans submitted, the project will be compatible with the character of the historic district.

I move to approve the application No. 2009-01 for 123 John Doe Street as submitted because the application does meet the following criteria:

1. The proposed change does meet section 4.6 Fences and Walls of our design guidelines
2. as the materials, height, scale and design of the new rear fence specifically meet guidelines 4.6.5 and 4.6.7 and are in harmony with our design guidelines and the character of the overall district and adjoining properties.

Motion stating he/she is proceeding from a position of knowledge

Finding of Fact

Concise description of features that contribute to the decision and reference to the design guidelines and architectural character as a basis for decision.

Sample Motion Worksheet

I have studied the application and all other relevant documents and presentations related to this case and I am familiar with the property in question.

Finding of Fact:

I find that _____

Motion to Grant/Deny COA:

I move to **Approve** [or] **Approve with the following conditions** [or] **Deny** the application **Case Number** for **Street Address/Property Name** as **submitted** [or] **as amended in plans/ correspondence dated** _____ because the applications **does** [or] **does not** meet the following criteria:

1. The proposed change(s) **does** [or] **does not** meet section (s) _____

_____ of our design guidelines.
2. The proposed changes **are** [or] **are not** compatible with the character of the district for the reasons that the _____ (i.e. height, setback, materials, architectural detailing, roof, windows, general form and scale) **are** [or] **are not** in harmony with our design guidelines and the character of the overall district and adjoining properties.
3. List any other reasons why the application should be **approved** [or] **disapproved**.