



**CITY OF FREDERICKSBURG
HISTORIC REVIEW BOARD
TUESDAY, JANUARY 12, 2021
5:30 P.M.
VIA ZOOM WEBINAR**

Sharon Joseph, Chair
Larry Jackson, Vice Chair
David Bullion, Member
Jessica Mittel, Member
Eric Parker, Member

Mike Penick, Member
Richard Laughlin, Member
Brad Bertrand, Alternate
Barry Kaiser, Alternate
Joe Salinas, Jr. Alternate

The City of Fredericksburg Historic Review Board will meet in a regular session on **Tuesday, JANUARY 12, 2021, at 5:30 p.m.** The meeting will be available for view and participation via Zoom Teleconferencing. see details below.

Members of the public may join the Zoom Meeting by one of the following:

By web: Please click the link below to join the webinar:

Webinar ID: 862 2117 0939

<https://us02web.zoom.us/j/86221170939>

Telephone: Dial

US: (346) 248 7799 Toll Free at (877) 853 5247 or (888) 788 0099

1. CALL TO ORDER

2. ROLL CALL

3. CHAIR'S STATEMENT

4. PUBLIC COMMENTS

PUBLIC COMMENTS

During the COVID-19 pandemic, the City of Fredericksburg is allowing written or verbal public comments:

Written Comments must be received by 3 p.m. on January 12, 2021

Email your comments to ahudson@fbgtx.org; or

Verbal Comments:

Must submit your name, address and contact information to ahudson@fbgtx.org by 3 p.m. on January 12, 2021.

Please log on to the meeting 5 minutes early.

Set your name in the ID on the Zoom Meeting

Wait for your name to be called.

5. HISTORIC PRESERVATION OFFICER'S REPORT

Brian Jordan retiring, new Director of Development Services, Jason Lutz starts Feb 2nd.

Texas Historical Commission – Real Places Conference online this year Feb 3-5

6. APPROVAL OF MEETING MINUTES

December 15, 2020, HRB meeting minutes

7. CERTIFICATE OF APPROPRIATENESS APPLICATIONS

CONSENT AGENDA

The items under the consent agenda are deemed by the Historic Preservation Officer to be routine in nature and will be approved by one motion of the Board adopting the staff findings and recommendation as part of the approval. The items on the consent agenda will not be discussed. Any member of the Board or the public that wishes to discuss an item on the consent agenda may request that it be removed and placed on the individual consideration agenda.

- A. ☐ Application #20-145 **109 S. Edison** – *Barry Wagner* - rehab stucco, replace non original porch wood features with Hardi-board, replace siding of rear porch and smoke house, remove non-historic carport, new fence
- B. ☐ Application #20-148 **202 S. Elk** – *Pat Smith* – side addition to low rated structure
- C. ☐ Application #20-147 **209 W Austin** – *Mike Haley* – rear addition enlargement
- D. ☒ Application- #20-149 **206 S Crockett** – *Cass Phillips*- new front porch, siding, outbuilding modifications

INDIVIDUAL CONSIDERATION

- E. ☐ Application- #20-150 **223 W Creek** – *Cass Phillips*- new fence/walls, new parking in front/side yard, pavilion

8. DISCUSSION AND POSSIBLE ACTION

- A. Report from Fisd Bond Committee member, David Bullion, regarding Middle School Campus plan
- B. Historic Preservation Ordinance (included in packet) future amendments will include: required landmark designation process based on HB 2496 (included), make required text amendments to align with new anticipated Design Guidelines/Standards. All changes must be consistent with Certified Local Government requirements (included in packet).
- C. Appointment of members to Historic Preservation Grant selection committee for FY2021 funds.

9. ADJOURN

This is to certify that I Shelby Collier, posted this Agenda by 1:00 p.m. on Friday, January 9, 2021, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier
Development Coordinator

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**HISTORIC REVIEW BOARD
DECEMBER 15, 2020
5:30 PM**

On this 15th day of December 2020, the Historic Review Board convened in regular session at via ZOOM with the following members present to constitute a quorum:

PRESENT:

BARRY KAISER (non-voting alternate)
ERIC PARKER
DAVID BULLION
LARRY JACKSON
RICHARD LAUGHLIN logged in @ 5:34
BRAD BERTRAND logged in @ 5:50
JESSICA DAVIS logged in @ 6:05

ABSENT

SHARON JOSEPH
MIKE PENICK
JOE SALINAS, Jr

ALSO PRESENT:

ANNA HUDSON – Historic Preservation Officer
DANIEL JONES – City Attorney
SHELBY COLLIER – Development Coordinator

Larry Jackson called the meeting to order at 5:30 PM.

MINUTES

David Bullion made a motion to accept the November Minutes as presented. Eric Parker seconded the motion. All voted in favor and the motion carried.

STAFF ANNOUNCEMENTS

Anna Hudson, Historic Preservation Officer, provided a Design Guidelines Workshop Re-cap.

PUBLIC COMMENT

CONSENT AGENDA

Application #20-142 – 613 W. Creek Street – Michael McCrea – Re-rating of outbuilding to allow for demolition.

Motion to approve the consent agenda made by Eric Parker. Seconded by David Bullion. All voted in favor and the motion passed.

APPLICATIONS

Application #20-139 – 602 W. Travis – Eric Mustard – Rehab of house including rebuilding front porch posts, roof replacement, re-rating of outbuilding to allow for relocation of garage and tank construction of new addition.

Anna Hudson, Historic Preservation Officer, stated the Applicant requests a Certificate of Appropriateness to Re-rate 2 outbuildings to allow for relocation and build a new 2 story addition with hyphen connector in “low country” style with painted brick, lap siding, 2/2 windows. The Applicant would also like to rehabilitate front porch with new posts, flooring, and railing based on similar designs of same style houses. Repair siding and windows and replace metal roof with like/kind materials as well as build a new 1 ½ story garage with lap siding.

Staff recommendation:

Staff recommends approval of the re-rating of the concrete garage and metal tank house to allow for relocation on the site. Neither of the structures are present on the 1924 Sanborn map. They are not as old as the house, but of historic age (more than 50 years). Re-rating to medium to allow for re-location on site is appropriate. This is in keeping with the FBG Historic Preservation Ordinance.

The new 2-story addition is connected by a hyphen which helps to keep the 2 stories from overpowering the original wood structure, the style is similar but does not mimic the original. Given the size of the lot and the placement of the addition it does not overpower any neighboring properties. The lot is atypical in the neighborhood. The house does not have a typical orientation and the lot has significant flood issues given the location of Town Creek. The use of the hyphen to connect the addition to the main house reduced the impact on historic material. The addition could be removed in the future with minimal damage to the historic house. This is in keeping with SOI #9 and #10.

The house was previously covered in field stone that was damaging the original siding and structural integrity of the house. Staff approved the removal of the stone. The original porch was altered when the stone was added. The proposed rehabilitation of the porch is based on other houses of the same age and style. The applicant has worked to find photos of the house before the stone was added but has not been successful. Staff recommends approval as submitted in keeping with SOI #6.

Staff recommends approval of the repair of the siding and windows. This recommendation is in keeping with SOI #6.

Staff recommends approval of the roof replacement as presented. This recommendation is in keeping with SOI #6.

The new garage is set back behind the main house and will be minimally visible from the street. Staff recommends approval as presented. This recommendation is in keeping with SOI # 9 and #10.

Motion to approve Application 20-139 as presented made by Eric Parker. Seconded by David Bullion. All voted in favor and the motion passed.

Application #20-143 – 310 S. Crockett – Mardi Zaeske – New siding, windows, front porch posts, doors and addition of two gables to roof line.

Anna Hudson, Historic Preservation Officer, stated the Applicant requests a Certificate of Appropriateness to replace all windows with bronze vinyl divided light windows and add a new gable to front façade and an awning in the 1970s addition. Add a new open rafter gable over the original front door, replace original wood front door, replace non original front posts with square wood posts and replace shingle roof with bronze metal roof.

Replace all siding with vertical board and batten siding, change window configuration of 1970s front facing wall from a coupled window to a single standard window and two small windows and enclose door into 1970s addition from front porch.

Staff recommendation:

The house dates from the late 1930's or early 1940's. It still retains a lot of the character from the time period. Significant changes/additions were made in the 1970's. Staff finds that many of the 1970's elements could be removed to enhance the authenticity of the house. The original features that are intact should remain. Elements added in the 1970s can be removed and replaced.

The 1970s metal windows can be replaced; however, the original wood windows appear to be in good condition. Any new windows should match the original windows in design. The originals are 1/1 and the proposed new are faux divided light.

The proposed gable over the original entrance will significantly change the historic aged section of the house. Staff does not recommend approval. The original wood door is in good condition and has been protected by a non-historic screen door. Staff recommends approval of the removal of the screen door, but the original door should be retained. The original porch posts were replaced in the 1970s with the common metal posts. The proposed exposed square wood posts are very contemporary. A more-period appropriate porch post should be used as a replacement.

The current roof is not original. The proposed new bronze metal roof is contemporary and not a color found in the historic district. The front porch of the house has the original horizontal board siding. Based on the application of the asbestos siding the original wood siding is very likely under the asbestos on the north side. The original siding should be exposed and patched where needed. The asbestos siding can be removed and replaced. The front of the 1970s addition has a coupled window. The proposed window configuration is not common for a front facing wall. The two small square windows are a style more commonly found on a rear or side elevation. Staff recommends a more traditional fenestration pattern on the front façade. The door is not original and functionally obsolete. Staff recommends approval.

Motion to approve Application 20-143 as presented made by Richard Laughlin. Seconded by Eric Parker. Brad Bertrand voted in opposition, all others voted in favor and the motion carried.

DISCUSSION ITEMS

Recommendations for changes to Draft of Historic District Design Guidelines and Standards to be submitted to HHM Inc.

Eric Hammerson stated that Ordinance #27-007 only references design guidelines and never authorizes drafting an adoption of regulatory standards.

Eric Parker made a motion to submit the Design Guidelines to HHM Inc with the discussed changes as shown in the included matrix. David Bullion seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Eric Parker moved to adjourn. David Bullion seconded the motion All voted in favor and the meeting was adjourned at 6:40 p.m.

PASSED AND APPROVED this the 12th day of January 2021.

SHELBY COLLIER, COORDINATOR

SHARON JOSEPH, CHAIRMAN

Historic Review Board
Application Information

Application Number: 20-145
Date: January 12, 2021
Address: 109 S Edison
Zoning: R2
Owner: Elliott FBG Group, LLC
Applicant: Barry Wagner
Rating: Medium
Proposed Modifications: rehab of stucco, front porch, window trim, new fence, replacement of outbuilding siding, removal of non-historic carport

Request:

The applicant is requesting a Certificate of Appropriateness for approval to:

1. rehab front porch by replacing wood portion of columns with smooth hardi-board to match existing, replace porch ceiling in-kind, repaint trim green
2. remove non-historic landscaping beds against house
3. replace rear addition siding with vertical board and batt (Hardi board or equivalent)
4. replace siding of outbuilding with vertical board and batt (Hardi board or equivalent)
5. add medium height picket fencing along south and west property line
6. replace non-historic shingle roof with simulated wood shingle roof (composite material) in a grey color
7. replace non-historic exterior stair with code compliant stair that extends toward rear of house instead of front

Relevant Secretary of the Interior's Standards for Rehabilitation

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Staff Recommendation/Findings:

The stone and stucco house at 109 S. Edison has been significantly altered with replacement of windows and doors. The footprint has not been modified in decades, but little original material remains.

1. The front porch is not the original front porch of the house. The house originally had a wood front porch. The “Craftsman” style details were added later. The proposed changes will not change the look or style of the house.
2. The landscaping beds are retaining water next to the house, their removal will help the site drain water more efficiently. Staff recommends approval.
3. The rear addition was originally added between 1924 and 1938. The current siding and windows are not original. The proposed replacement siding will not negatively impact the integrity. Staff recommends approval.
4. The current size and materials of the outbuilding are not original. The replacement with a more original look is appropriate. An interior wall is a vertical board and batt.
5. Staff recommends a fence that is no taller than 4’ in the front and steps up to 6’ as it reaches the back yard.
6. According to Sanborn maps the main house had a shingle roof. The current roof is not original. The proposed replacement will not diminish the integrity of the house.
7. The proposed changes to the exterior stair will not be readily visible and will be code compliant. Staff recommends approval as presented.

These recommendations are in keeping with SOI Standards for Rehabilitation and the FBG Design Guidelines.



Certificate of Appropriateness Application

Required for all exterior modifications of historic properties.

City of Fredericksburg

126 W Main St. FBG, TX 78264

Subject Property Address 109 S. EDISON

Date Submitted _____

Owner name: David Watt & Caroline Parker, General Partners
Elliot FBG Group, LLC

Phone # 409-770-7042

Owner Address: 113 East Highway St., Fredericksburg, TX 78624

Authorized Applicant: David Watt Phone # 409-770-7042

Applicant Signature: [Signature]

Applicant E-mail: dwatt999@gmail.com

Applicant certifies that he/she is the Owner or duly authorized agent for the owner of the property.

Desired Start Date: January, 2021

Desired Completion Date: June, 2021

Please describe the scope of work. Include: materials to be used, how the project will impact the historic structure, and cleaning methods. How will proposed work be in keeping with the character of the property? Are there circumstances or financial hardships which may affect compliance with the ordinance? Submit sufficient description and support documentation so that the project can be understood without talking to you.

The exterior stucco will be repaired / painted and the existing composition shingle roof will be replaced with a composite shingle that has the appearance of a wood cedar shingle. Exterior wood trim exposed to the weather will be replaced with a Smart Side Trim of the same size and repainted. Wood trims at top of columns, porch ceilings, etc. will be retained, repaired and painted. Existing windows are contemporary replacement windows and will be retained except one window in each bedroom space will need to change to a casement type with simulated light pattern to look like the existing while providing code required egress. The existing metal stair on North side will be rebuilt with a larger landing at the top and stairs oriented toward the rear. Site drainage issues at the NE corner will be corrected. The outbuilding at the NE corner will be re-sided with a board and batt siding and carport canopy removed. A landscape sitting area with fire pit will be developed on the South lawn and a medium height picket style fence will be installed on the West and South property lines. (attach another sheet if necessary)

Attach supporting documentation including: ☒ paint color ☒ color photographs ☒ site plan

☒ elevations & floorplans ☒ material specifications. Applications are incomplete without sufficient documentation.

Staff to complete

Application # 20-145

Year Built: _____

Eligible for Administrative Approval Yes No

Zoning: _____

Historic Review Board Meeting Date Jan 12, 2021 - via zoom

Application Fee \$10 paid COA00300

Survey Rating: High ☒ Medium Low

HRB Fee \$40 paid

Staff Comments regarding Administrative Approval:

Historic Preservation Officer Signature _____

Certificates of Appropriateness must be displayed on site along with building permits and do not take the place of building permits.

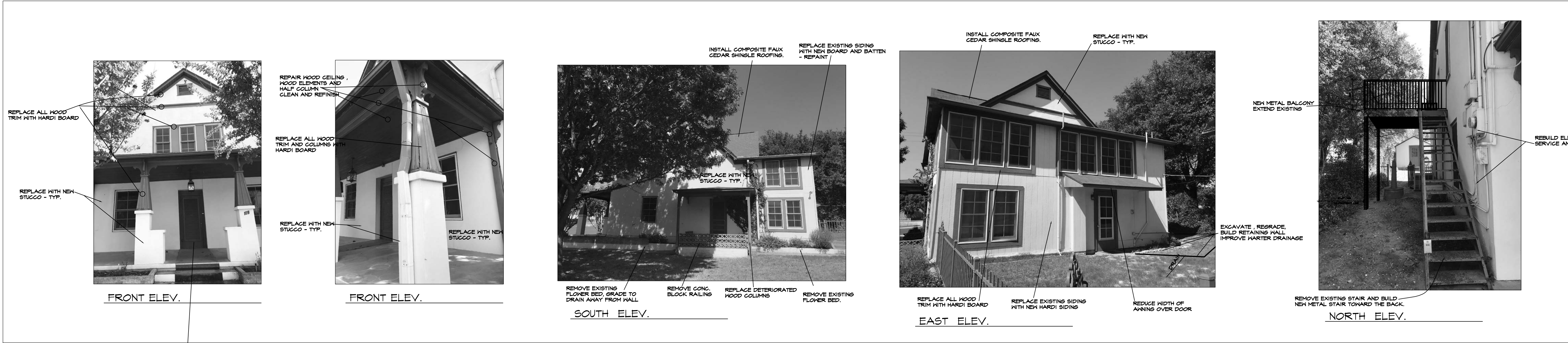




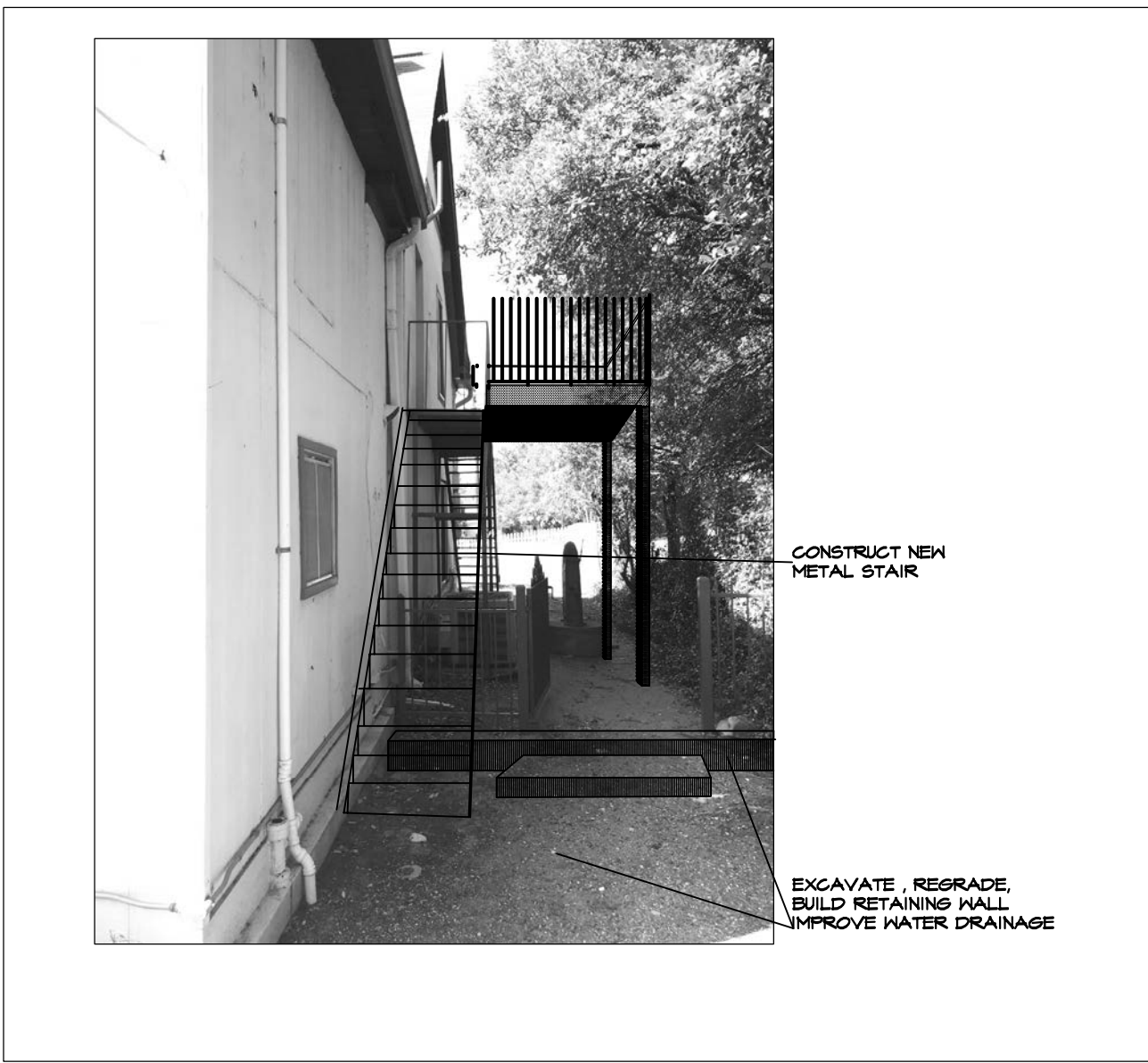
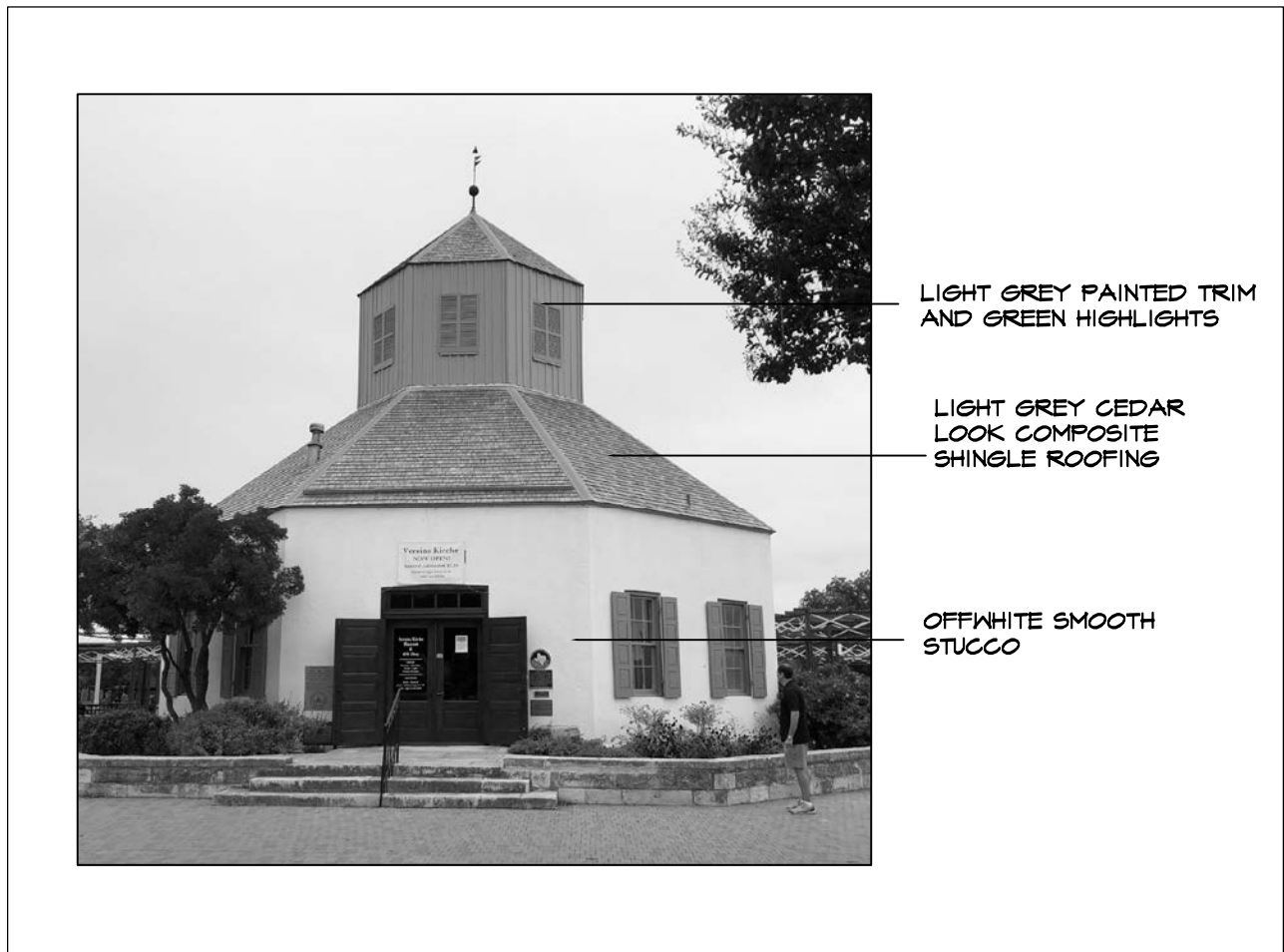








MAIN HOUSE PROPOSED CHANGES
NOT TO SCALE



SMOKE HOUSE PROPOSED CHANGES
NOT TO SCALE

PRELIMINARY PLAN
THESE INCOMPLETE DOCUMENTS ARE FOR INTERIM REVIEW ONLY AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.
BARRY A. WAGNER, AIA
REGISTRATION NO. 7187

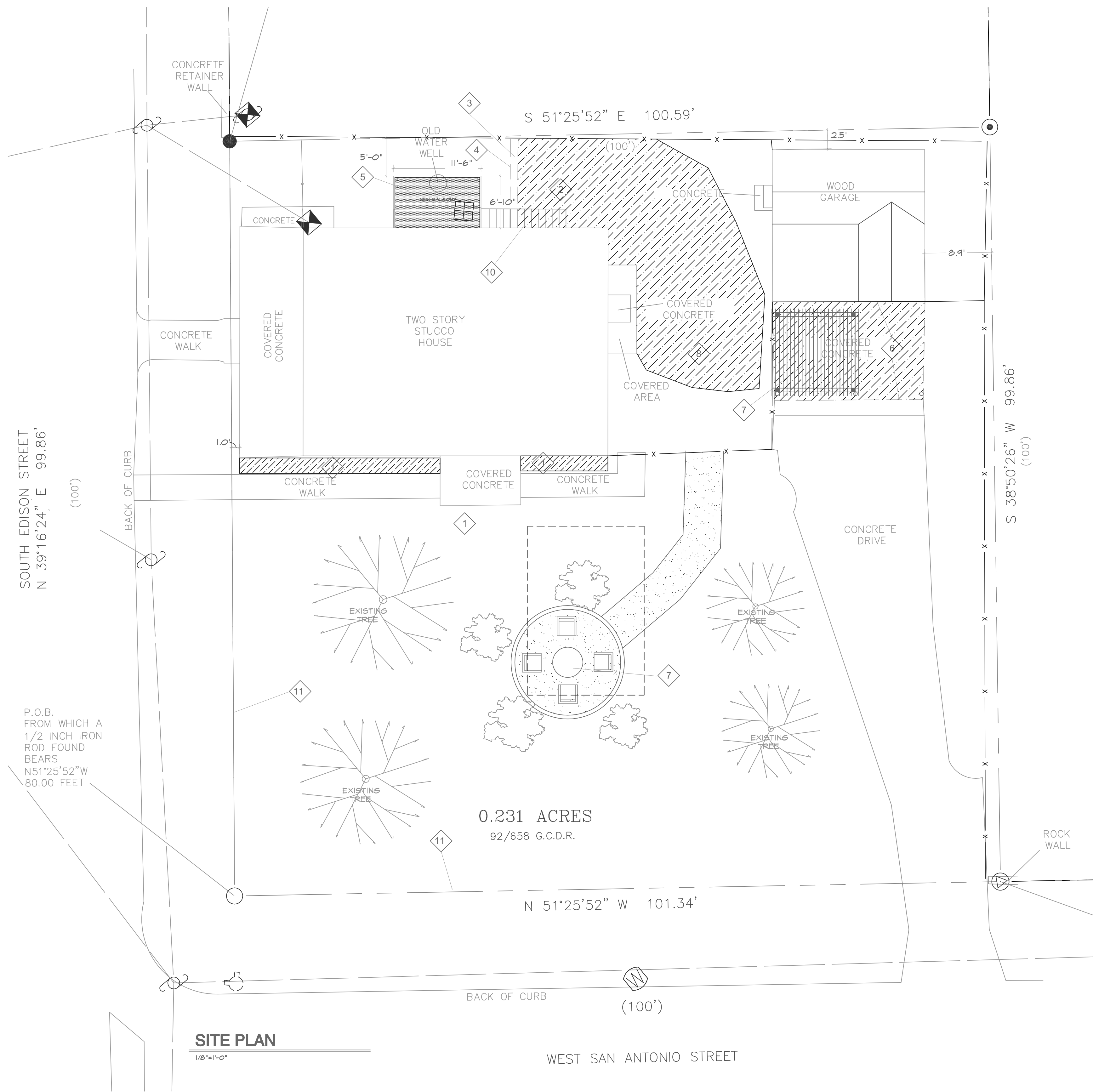
BARRY A. WAGNER AIA
ARCHITECT & PRESERVATION CONSULTANT
508 NORTH MILAM STREET, FREDERICKSBURG, TEXAS
PHONE: (830) 997-9525 CELL: (830) 456-7484

BW
ARCHITECT

IMPROVEMENTS TO 109 S. EDISON
ELLIOTT FBG GROUP, LLC
Fredericksburg **Texas**

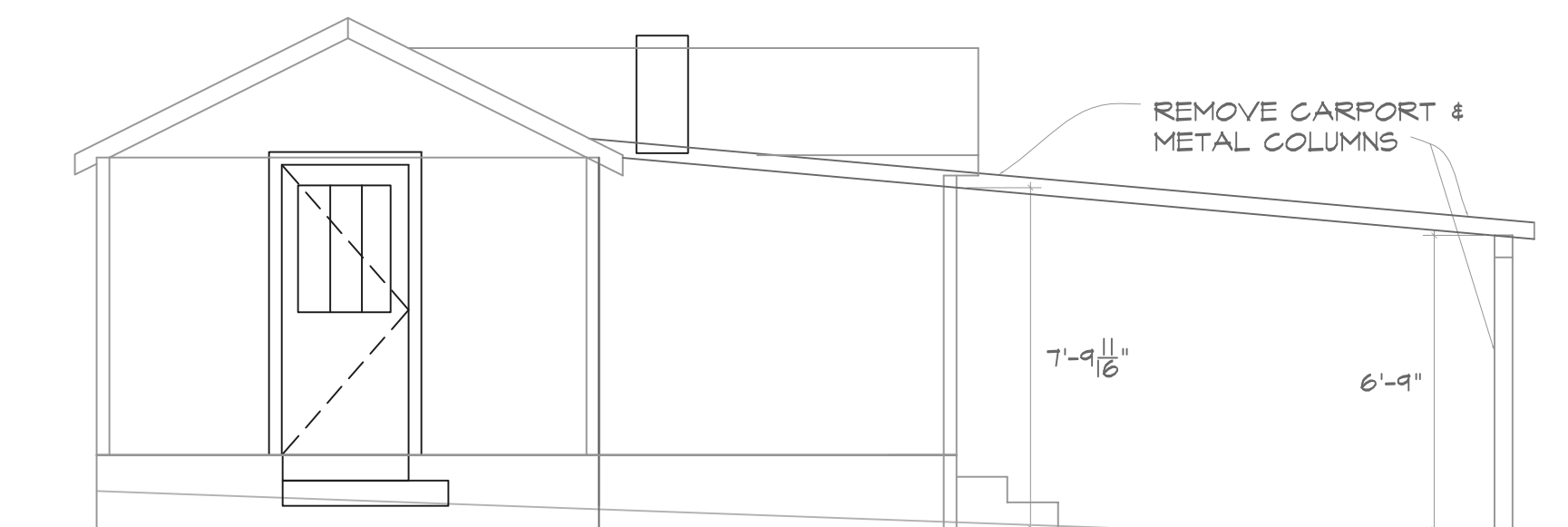
DATE	12-08-20
PROJECT NUMBER	20-06
REVISION	

EXT REPAIRS
SHEET NUMBER
A1-2
2 of 2



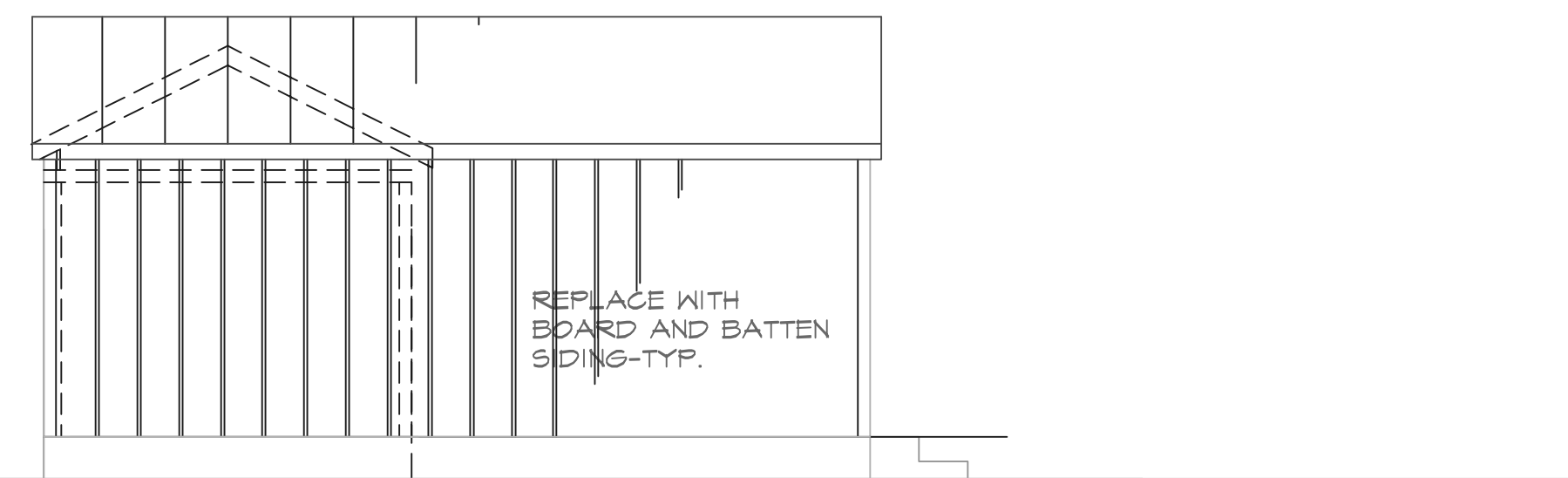
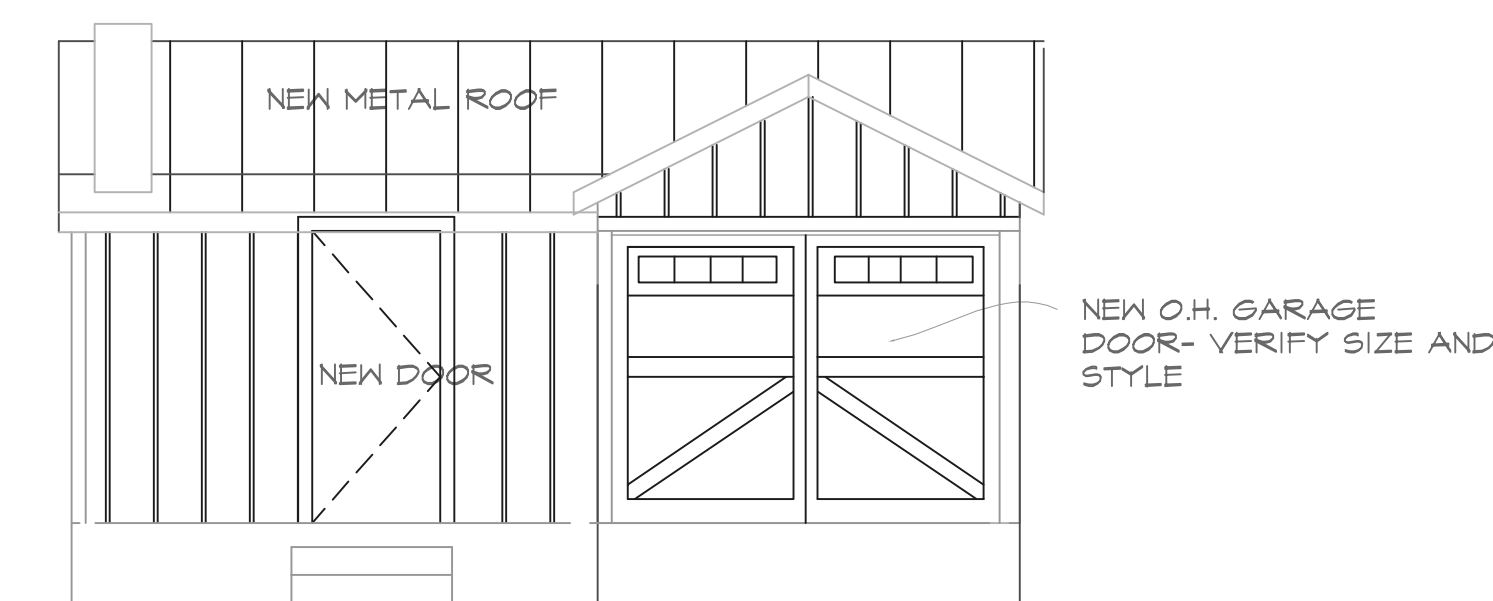
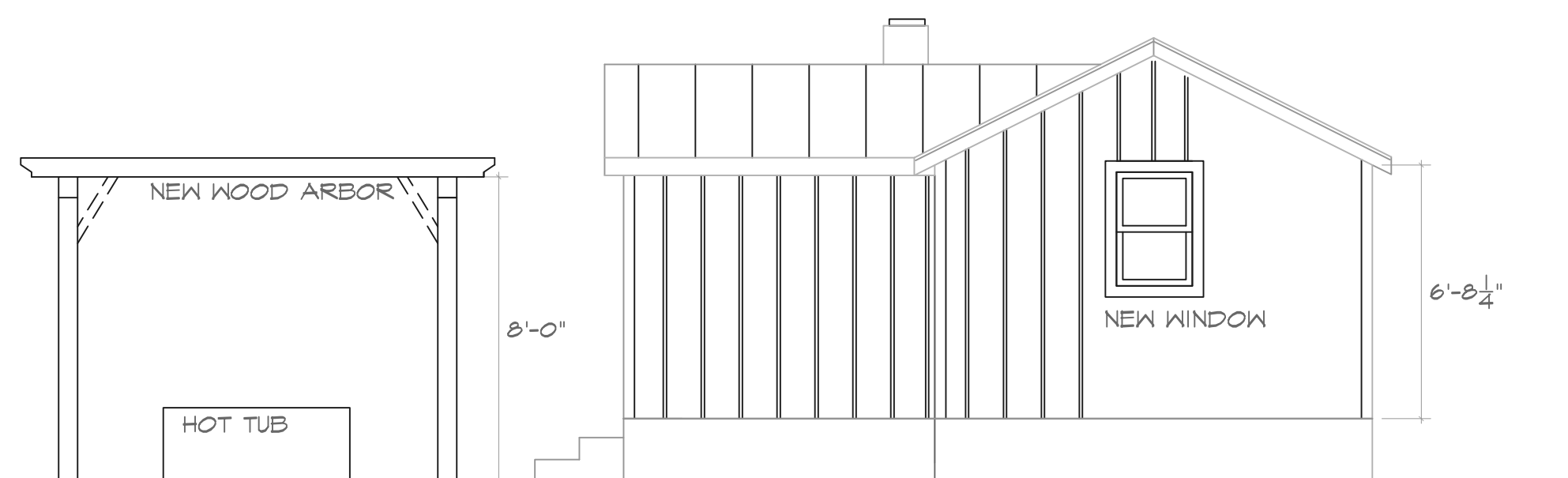
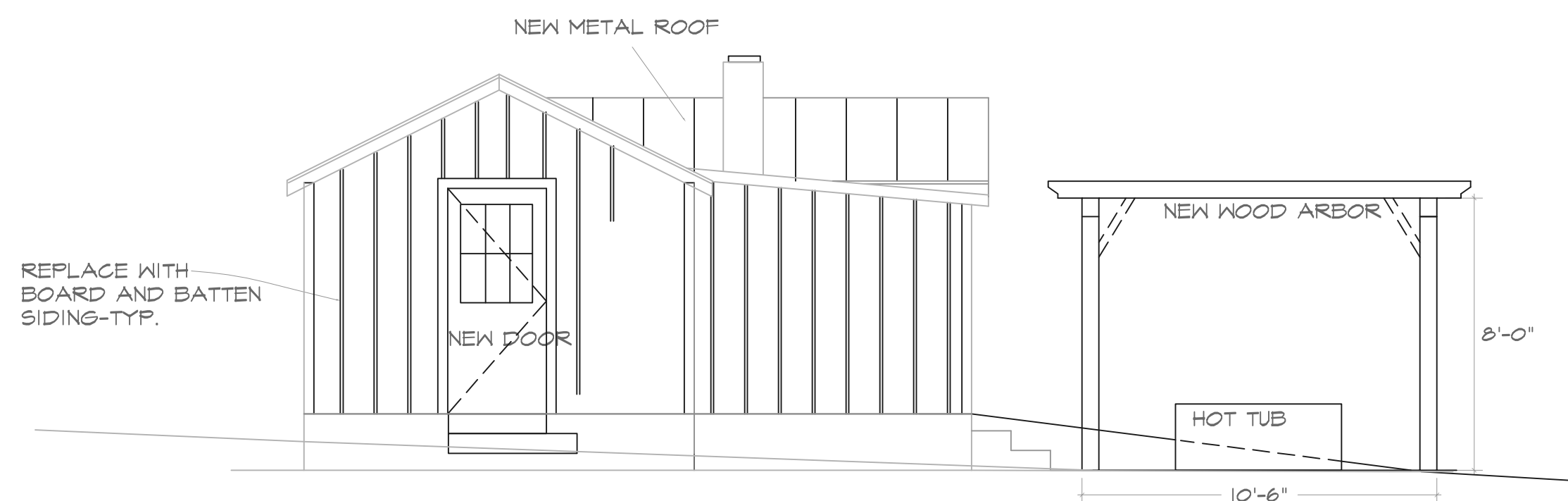
FENCE EXAMPLE

NTS



EXISTING SMOKE HOUSE ELEVATION

1/8"=1'-0"



PROPOSED SMOKE HOUSE ELEVATIONS

1/8"=1'-0"

PRELIMINARY PLAN

THESE INCOMPLETE DOCUMENTS ARE FOR INTERIM REVIEW ONLY AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.
BARRY A. WAGNER, AIA
REGISTRATION NO. 7187

BARRY A. WAGNER AIA

ARCHITECT & PRESERVATION CONSULTANT
508 NORTH MILAM STREET
FREDERICKSBURG, TEXAS
PHONE: (830) 997-9525
CELL: (830) 456-7484



IMPROVEMENTS TO 109 S. EDISON
ELLIOTT FBG. GROUP, LLC

Texas

Fredericksburg

DATE 12-08-2020
PROJECT NUMBER 20-06
REVISION

SITE PLAN

SHEET NUMBER

A1-1

1 of 2

City of Fredericksburg, Texas | Previous Historic Resources Survey Data

Compiled by Cox|McLain Environmental Consulting, Inc. 2018

2002 SURVEY DATA

Property Information

2002 ID

Address

Parcel Number

GCAD Valuation (as of 2017; where available)

Year Built

Year Altered

Area

Historic District

Recommendation

Priority

Assessment

2002 Photo



Photo Information & Notes

Image Name

Photo References

Notes

2002 SURVEY DATA (continued)

Property Description

Function Domestic: Single-Family

No of Stories 1.5

Style Craftsman

Construction load-bearing masonry

Plan bungalow

Foundation stone

Exterior Walls stucco on stone

Roof gable

Porches hipped

Windows not provided

Outbuildings garage

Doors single-leaf door

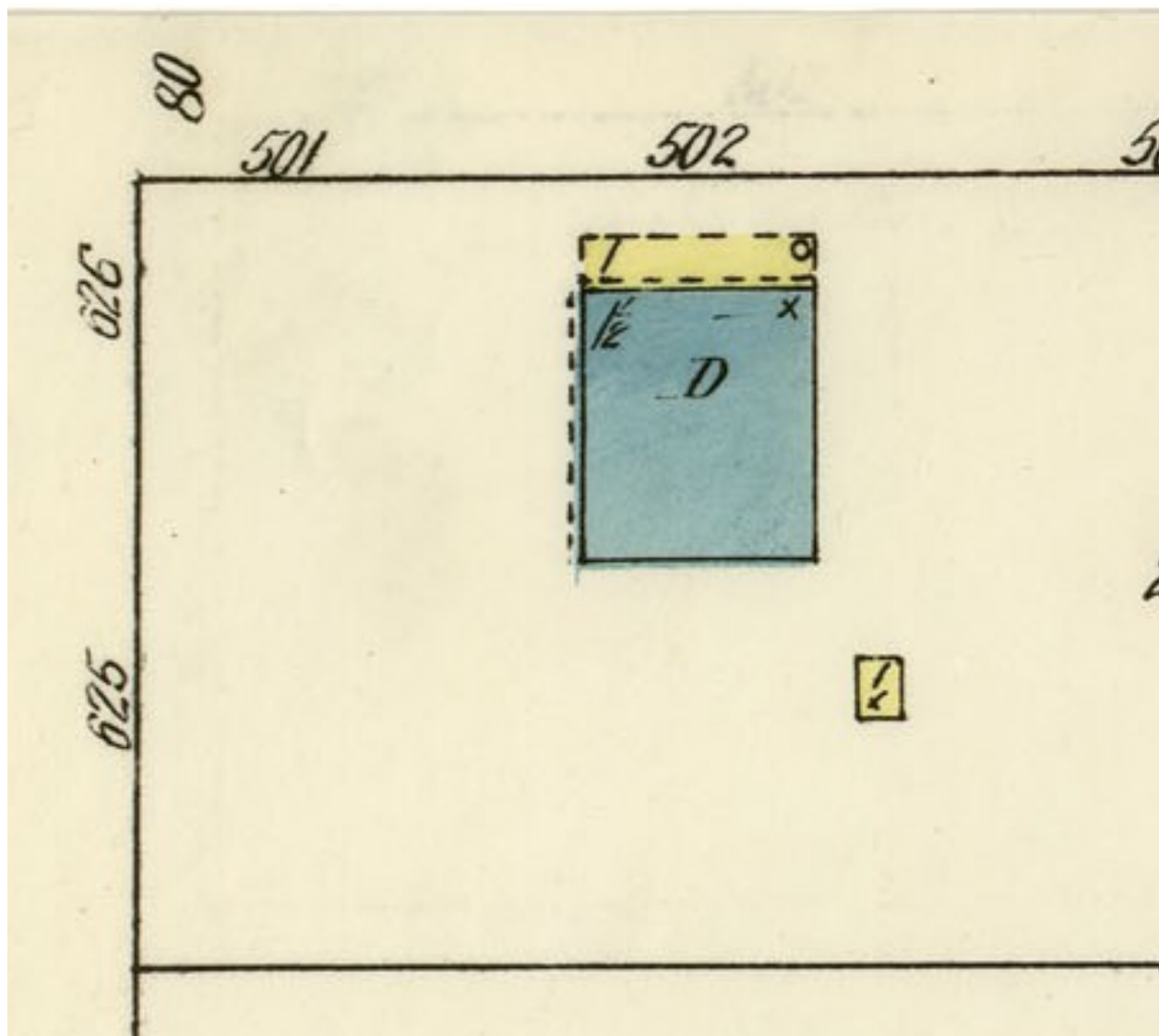
Alterations rear addition

1983 SURVEY DATA

1983 Survey Site No

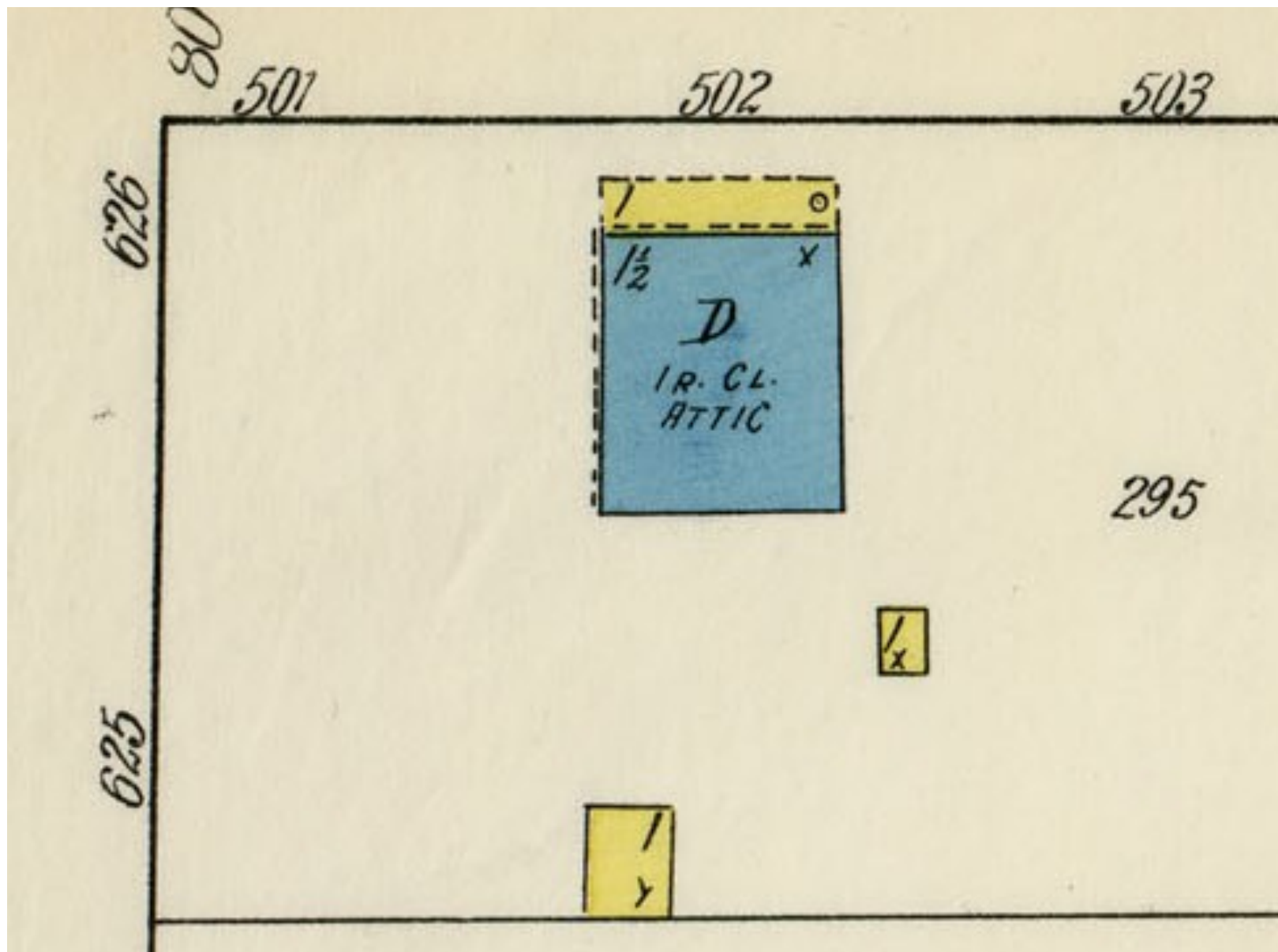
1983 Survey Ranking

1983 Photo References

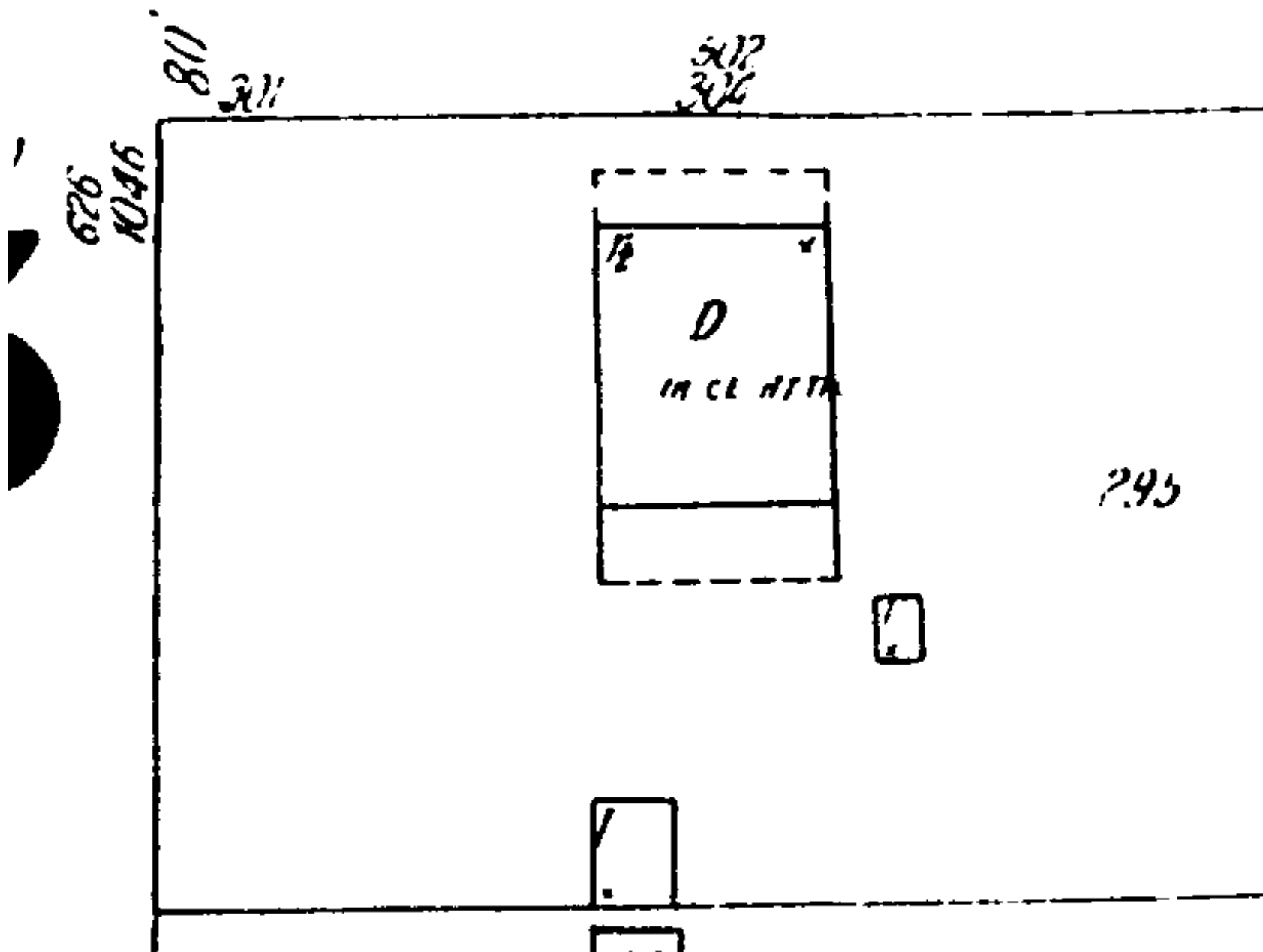


1910 Sanborn Map

1 1/2 story stone residential dwelling with 1 story wood frame front porch. Porch had tin or metal roof, main house had shingled roof

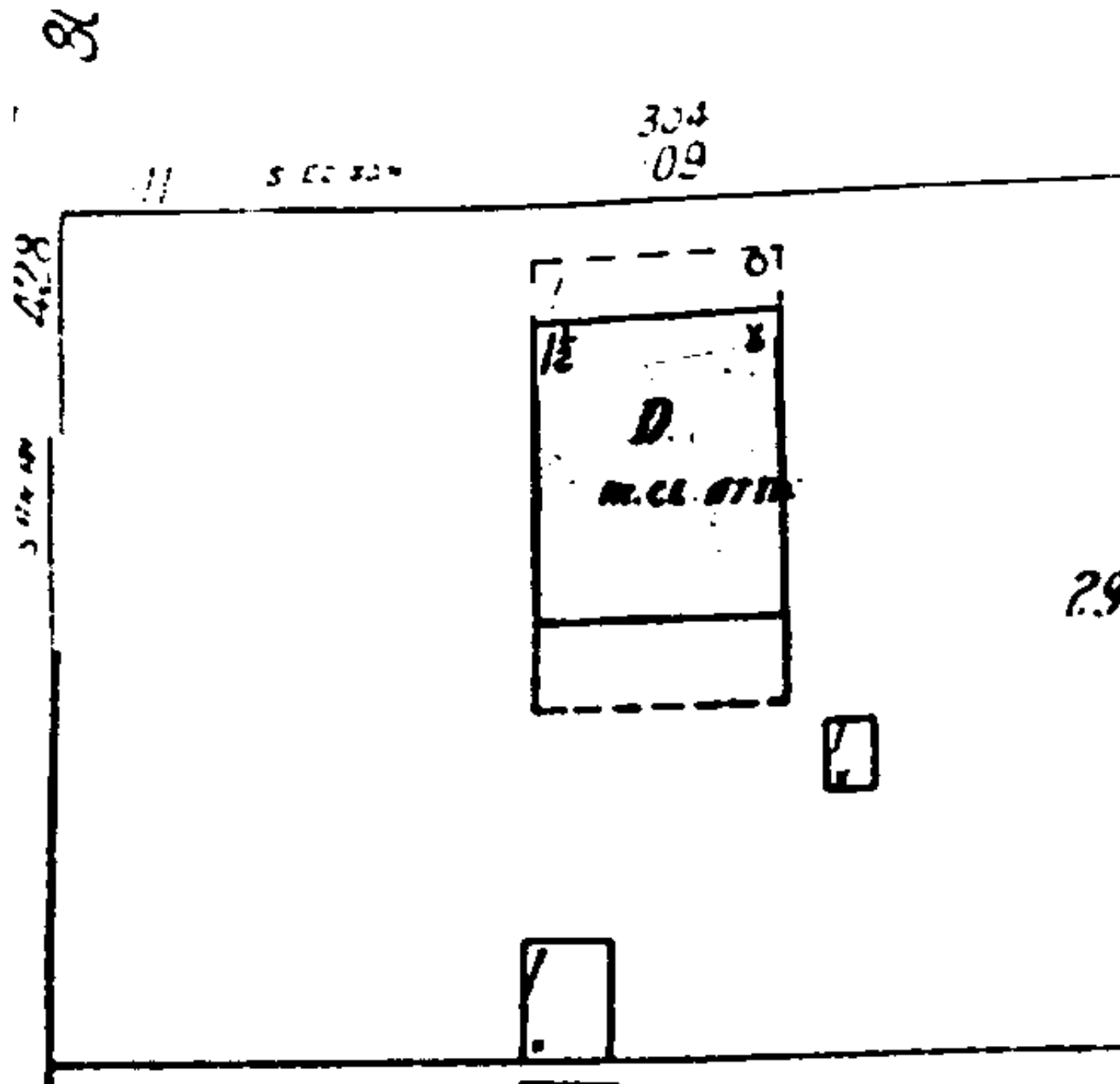


1915 Sanborn Map



1924 Sanborn Map

Rear porch added



1938 update Sanborn Map

Historic Review Board
Application Information

Application Number: 20-148
Date: January 12, 2021
Address: 202 S Elk
Zoning: R2
Owner: C Smith
Applicant: Pat Smith
Rating: Low
Proposed Modifications: addition to non-historic structure

Request:

The applicant is requesting a Certificate of Appropriateness for approval to:

Build a 21'x 23'side addition to as small residence using the same siding and windows as the existing.

Relevant Sections of Historic Preservation Ordinance

NEW CONSTRUCTION:if done correctly, can make a positive impact in a historic district, whether the district is commercial or residential. As with all changes that must be made to or around historic district, it is essential to preserve the integrity and character of the area. New construction should always respect the scale of its surroundings while maintaining its own individuality. However, it should not be obtrusive to the original structures in the district. All new construction should reinforce the visual character of the historic neighborhood.

Recommended: 1. Designing new construction within the same scale, size, and massing of its surroundings. 2. Using materials, colors, and finishes compatible to the surrounding historic structures. 3. Maintaining the same roof lines, setbacks, and street and porch orientations and as its neighbors. 4. Minimizing the visual and physical impact of parking.

Staff Recommendation/Findings:

The structure at 202 S. Elk was not included in the 2018 Historic Resource Survey since it was built within the last five years. The proposed addition will not have a negative impact on the district given its size and scale. Staff recommends approval as submitted based on the FBG Design Guidelines cited above.



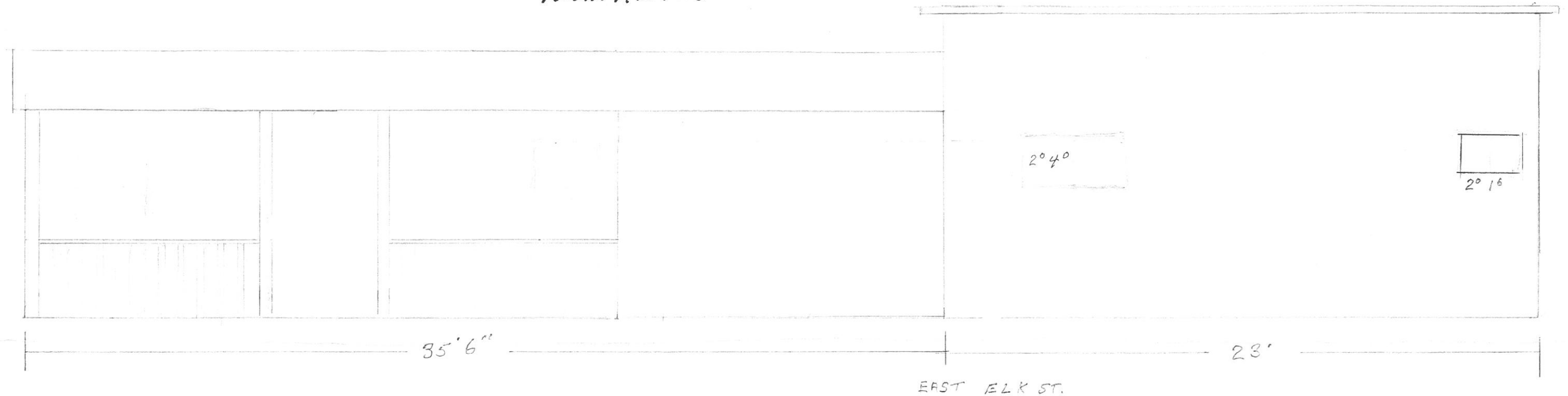




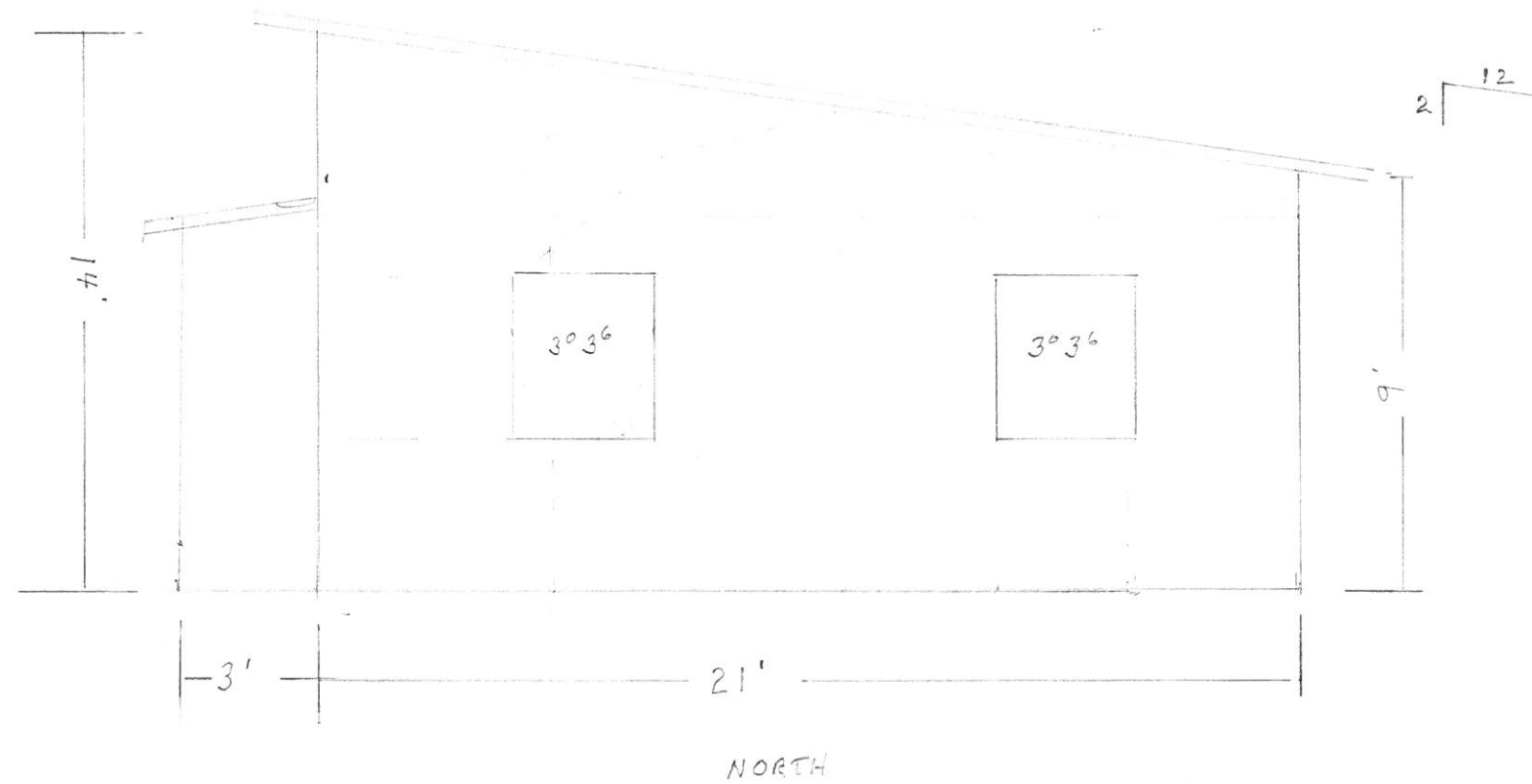




PAT SMITH
202 S. ELK ST.
ROOM ADDITION

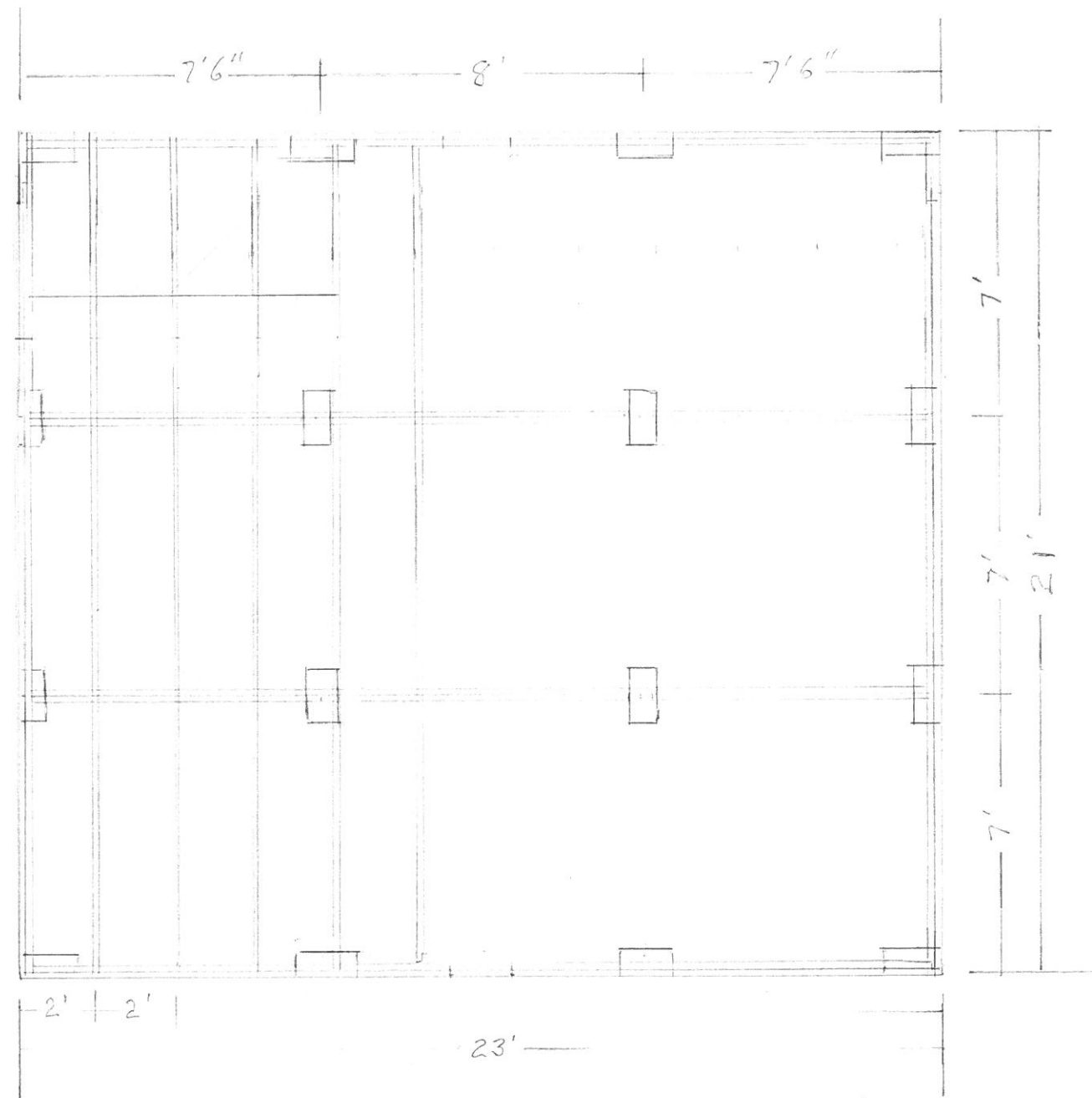


WINDOWS, SIDING
& PAINT TO MATCH
EXISTING BUILDING



PAT SMITH
202 S. ELK ST.
ROOM ADDITION

PAT SMITH
202 S. ELK ST.
ROOM ADDITION



Historic Review Board
Application Information

Application Number: 20-147
Date: January 12, 2021
Address: 209 W Austin
Zoning: CBD
Owner: Belinda Haley
Applicant: Mike Haley
Rating: High
Proposed Modifications: rear addition

Request: _____

The applicant is requesting a Certificate of Appropriateness for approval to:

1. ☐ Reconfigure and extend the existing rear addition with horizontal wood siding to expand living space including a stone chimney

Relevant Fredericksburg Design Guidelines:

Recommended

1. Designing new construction within the same scale, size, and massing of its surroundings.
2. Using materials, colors, and finishes compatible to the surrounding historic structures.
3. Maintaining the same roof lines, setbacks, and street and porch orientations as its neighbors.
4. Minimizing the visual and physical impact of parking.

Not Recommended

1. Removing historic site features or buildings that are important elements to the historic area.
2. Designing a building as a style, scale, or proportions that never occurred in the area.
3. Designing the building with materials, colors, and finishes not compatible with its neighborhood.
4. Designing new buildings with inaccurate interpretations of original styles, thus distorting the perception of genuine historic buildings.

Relevant Secretary of Interior's Standards:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Staff Recommendation/Findings:

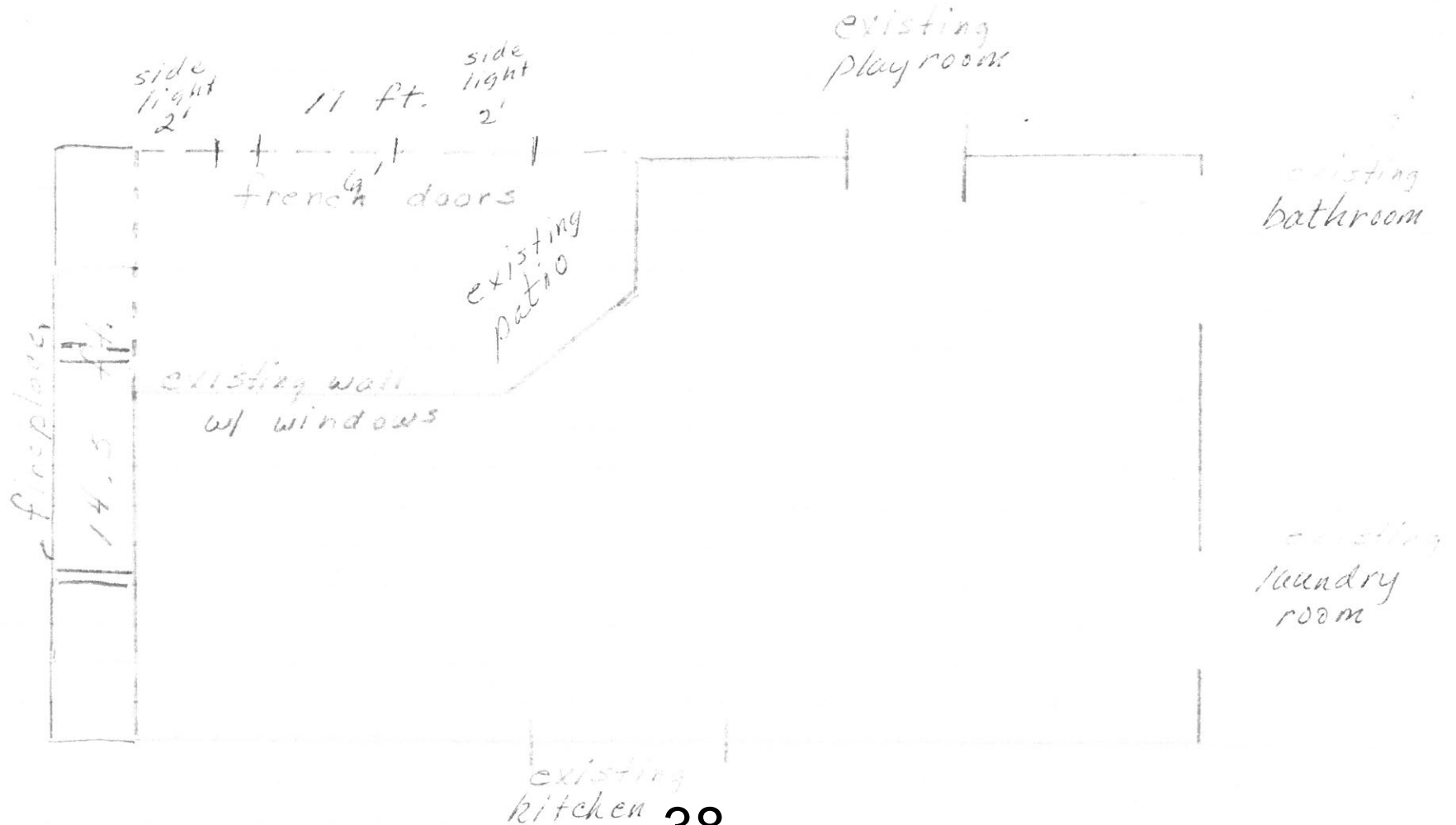
1. ☐ The proposed rear addition is appropriate in size, mass, material, location and is a natural continuation of the growth of the house. It does not detract from the integrity of the house. Staff recommends approval in keeping with SOI Standards #9 and #10 and FBG Design Guidelines for New Construction.

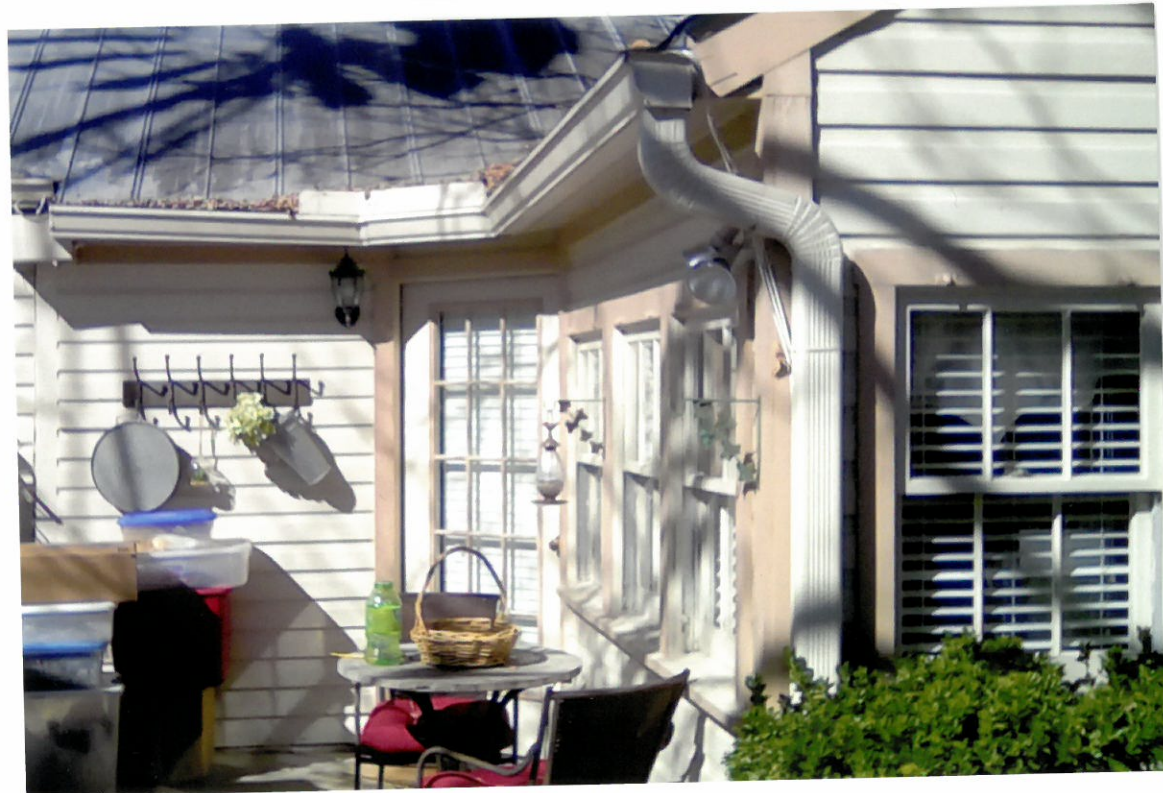






1. Removing Existing wall with windows.
2. Adding French door + Fireplace
3. Aprrox. 60 sq. Ft.
4. No demo of original structure





**Historic Review Board
Application Information**

Application Number:	20-149
Date:	January 12, 2021
Address:	206 S Crockett
Zoning:	R2
Owner:	Clodfelter
Applicant:	Cass Phillips
Rating:	Low
Proposed Modifications:	add front porch, remove non historic siding, remove brick chimney,

Request:

The applicant is requesting a Certificate of Appropriateness for approval to:

1. add new front porch across entire front of house
2. create an addition to the southwest corner of the residence
3. remove non-historic vinyl siding and either repair original or replace
4. reconstruct and repurpose RV caport to a pavilion
5. refurbish garage and convert to a short-term rental

Staff Recommendation/Findings:

The house was given a low rating in the 2005 survey do to changes made to original fabric. Given the HRB's previous approvals of changes to low rated properties staff recommends approval as submitted.



Certificate of Appropriateness Application

Required for all exterior modifications of properties in historic district or individual landmarks.

City of Fredericksburg

126 W Main St. FBG, TX 78264

e-mail completed applications with required supporting documentation to
ahudson@fbgtx.org

Subject Property Address	<u>206 S. CROCKETT ST.</u>	Date Submitted	
Owner name:	<u>KENNY & LEAH CLODFELTER</u>	Phone #	<u>12.30.2020</u>
Owner Address:	<u>3300 MAMAR CT. MIDLAND, TX 79707</u>		
Authorized Applicant:	<u>CASS PHILLIPS</u>	Phone #	<u>830 997-0169</u>
Applicant certifies that he/she is the Owner or duly authorized agent for the owner of the property.		Applicant E-mail:	<u>cphillips1000hill@gmail.com</u>
		Desired Start Date:	<u>2.1.2021</u>
		Desired Completion Date:	<u>8.1.2021</u>

Please describe the scope of work. Include: materials to be used, how the project will impact the historic structure, and cleaning methods. How will proposed work be in keeping with the character of the property? Are there circumstances or financial hardships which may affect compliance with the ordinance? Submit sufficient description and support documentation so that the project can be understood without talking to you. (attach another sheet if necessary)

1. ADD FRONT PORCH TO RESIDENCE.
2. ADDITION TO SOUTHWEST CORNER OF RESIDENCE.
3. REMOVE VINYL SIDING & FASCIAS AND INSTALL NEW SIDING OR REFURBISH EXISTING AS REQ'D.
4. RECONSTRUCT AND REPURPOSE R.V. CARPORT TO A PAVILION.

Attach supporting documentation in jpeg or pdf: ☐ paint color ☒ color photographs ☐ site plan
☒ elevations & floorplans ☐ material specifications. Applications are incomplete without sufficient documentation.

Staff to complete

Application #	<u>20-149</u>	Year Built:	<u></u>
Eligible for Administrative Approval	<u>Yes</u> ^x <u>No</u>	Zoning:	<u>R2</u>
Historic Review Board Meeting Date	<u>1-12-21 via zoom</u>	Application Fee \$10	COA#
Survey Rating:	<u>Medium</u> <u>LOW</u>	HRB Fee \$40	paid

Staff Comments regarding Administrative Approval:

Historic Preservation Officer Signature _____

**Certificates of Appropriateness MUST BE DISPLAYED on site along with building permits
and do not take the place of building permits.**

206 S. CROCKETT ST.
KENNY & LEAH CLODFELTER.

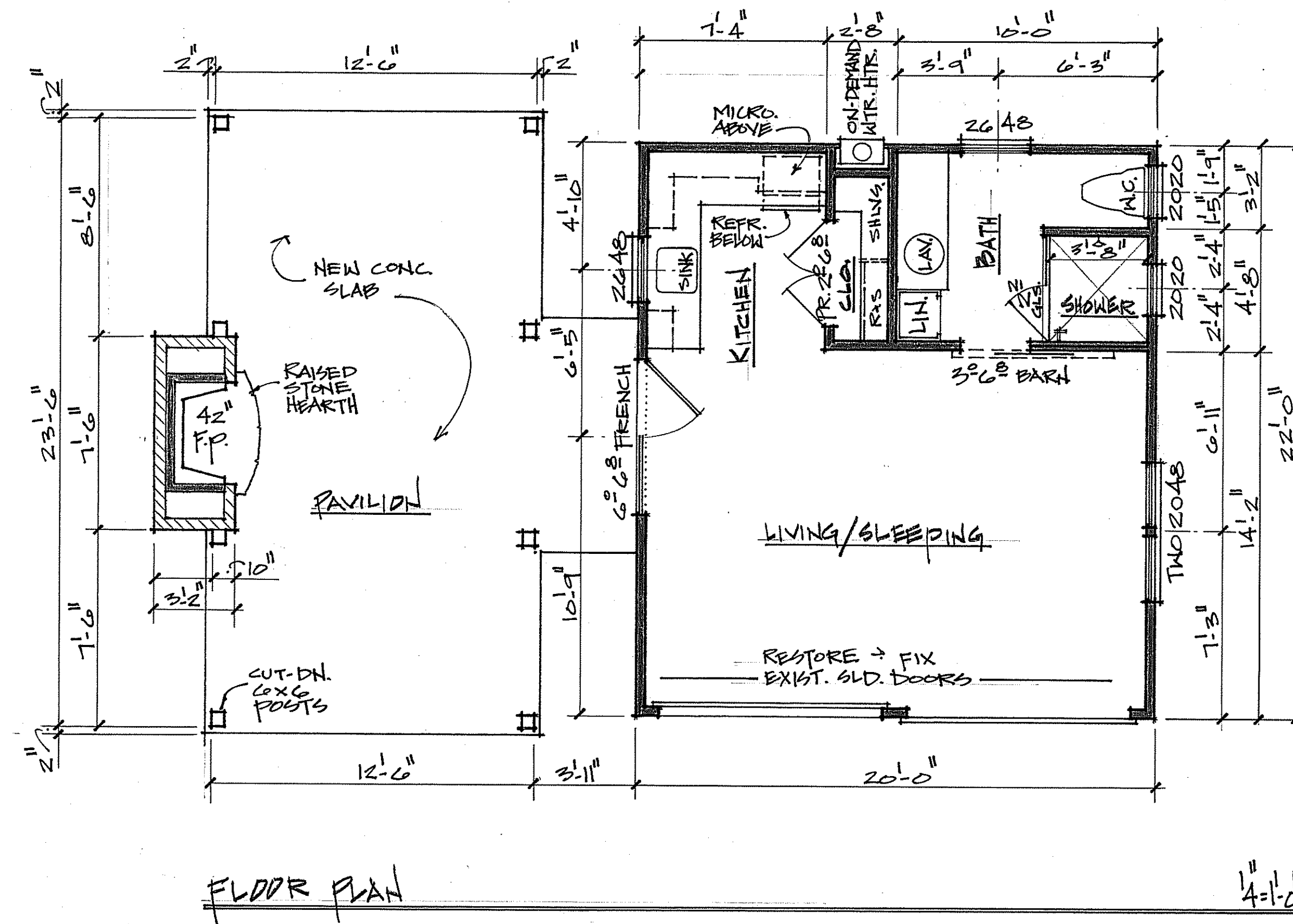
SCOPE OF WORK: (CONT.)

5. REFURBISH GARAGE & REMODEL AS S.T.R..









FLOOR PLAN

PAVILION/GARAGE APARTMENT

Notes:

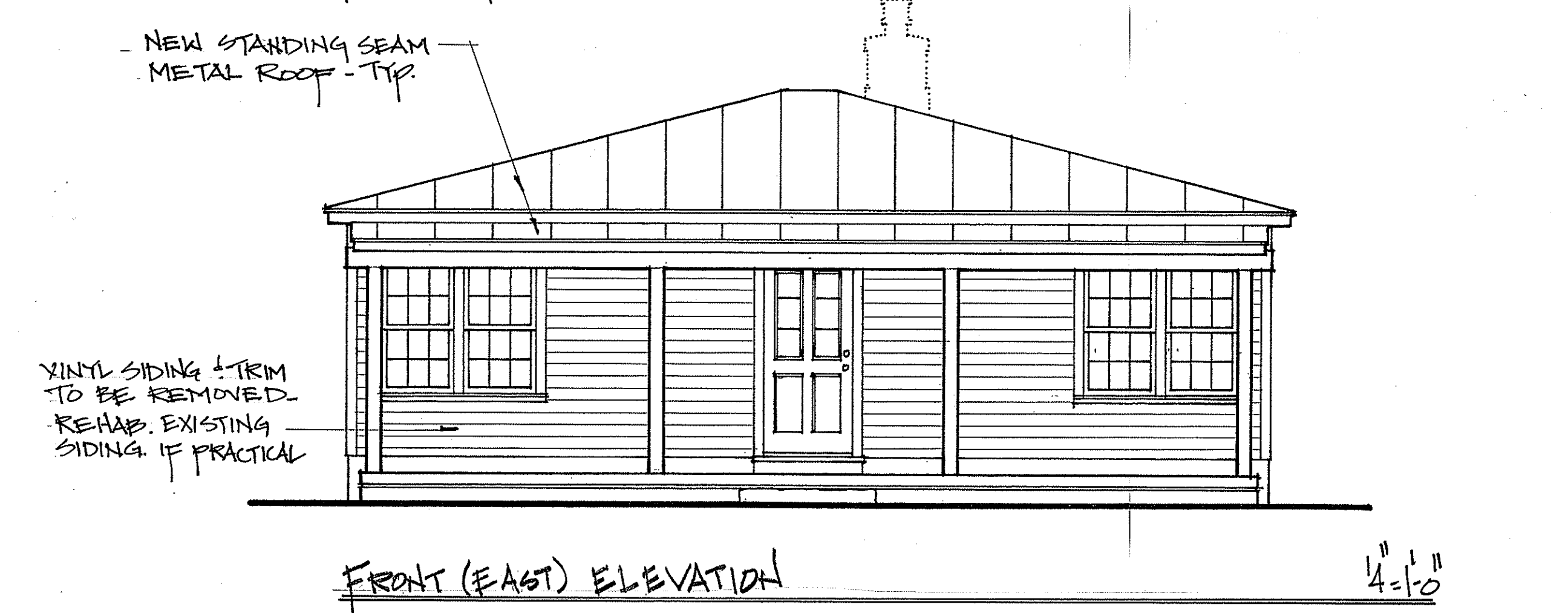
- New H.V.A.C. at Residence to be located in attic space - sizing, routing, return air provisions and final location to be determined per H.V.A.C. Contractor subject to Owner & G.C. approval.
- New H.V.A.C. at Garage Apartment to be Mini-split type - sizing and location(s) to be determined per H.V.A.C. Contractor subject to Owner & G.C. approval.
- All dimensions are approximate and to be verified and adjusted as required on site.
- Electrical requirements to be developed and integrated with existing per Electrical Contractor subject to Owner & G.C. approval.

Key:

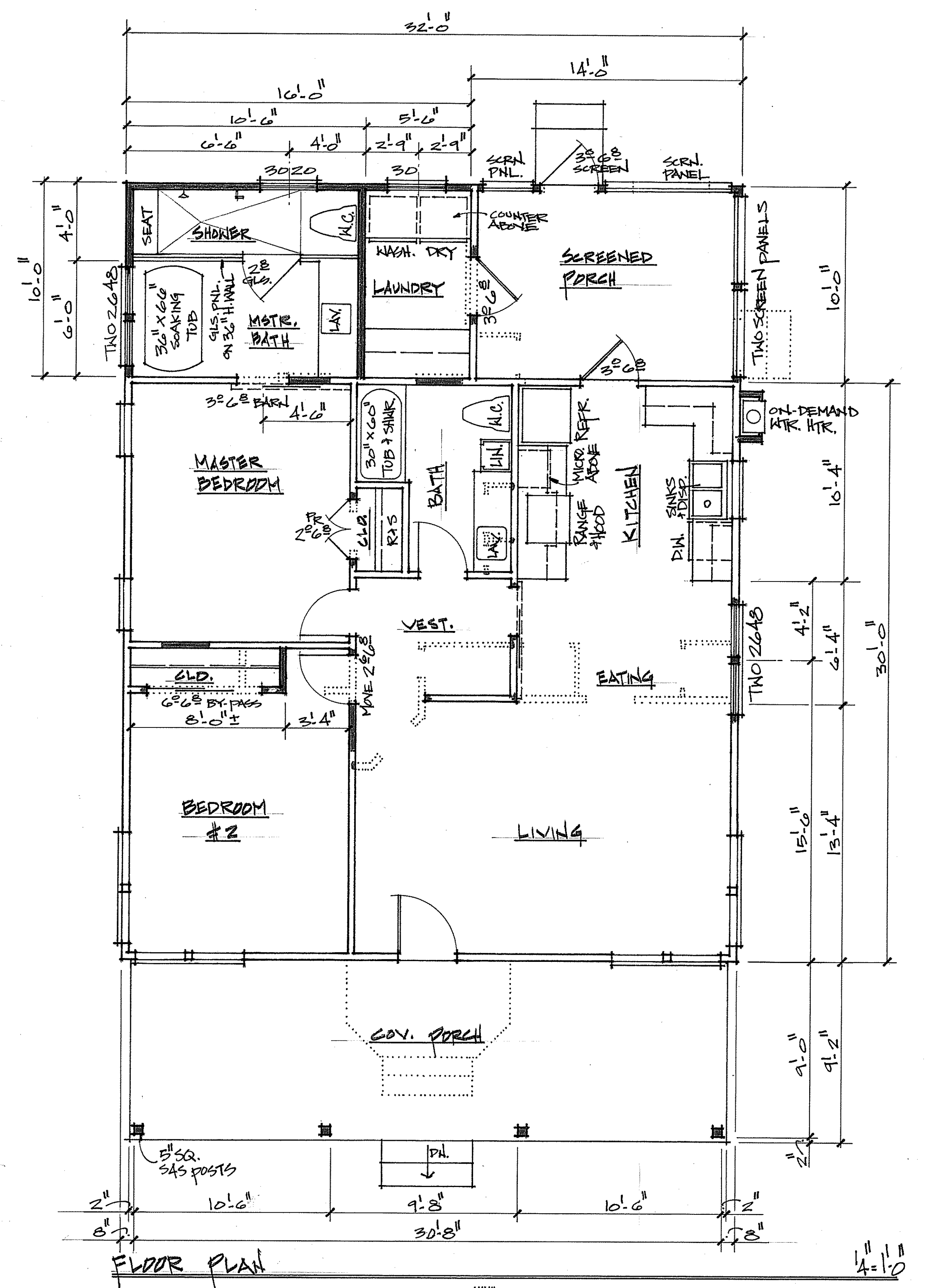
- Lines of Demolition
- Existing Structure
- New Construction
- Stone Veneer



LEFT SIDE (SOUTH) ELEVATION



FRONT (EAST) ELEVATION



FLOOR PLAN

City of Fredericksburg, Texas | Previous Historic Resources Survey Data

Compiled by Cox|McLain Environmental Consulting, Inc. 2018

2002 SURVEY DATA

Property Information

2002 ID 814

Address 206 S. Crockett

Parcel Number 22340

GCAD Valuation (as of 2017; where available) \$180,880

Year Built 1935

Year Altered

Area Historic District

Historic District Yes

Recommendation

Priority Low

Assessment Typical example of a common building form, architectural style, or plan type that has suffered minor or no alterations.

2002 Photo



Photo Information & Notes

Image Name 0814_5.JPG

Photo References 0814_*.jpg

Notes

2002 SURVEY DATA (continued)

Property Description

Function Domestic: Single-Family

No of Stories 1

Style not provided

Construction wood-frame

Plan square

Foundation slab

Exterior Walls wood siding

Roof hipped

Porches shed

Windows double-hung wood sash

Outbuildings garage

Doors single-leaf door

Alterations windows

1983 SURVEY DATA

1983 Survey Site No

1983 Survey Ranking

1983 Photo References

Historic Review Board
Application Information

Application Number: 20-150
Date: January 12, 2021
Address: 223 W Creek
Zoning: R1
Owner: Peggy Metzger
Applicant: Cass Phillips
Rating: Medium
Proposed Modifications: new parking area, new fencing/walls, rear yard pavilion

Request:

The applicant is requesting a Certificate of Appropriateness for approval to:

1. Construct a new drive on W Creek on the east side of the house measuring 22' wide for off street parking for the STR unit.
2. build new rock walls to provide privacy along the east and southwest sides of the house
3. construct a new pavilion at the back corner of the lot

Relevant Sections of FBG Design Guidelines:

Parking: Recommended

1. Locating off-street parking to the rear of the site.
4. Placing new parking in areas that would have the least amount of impact in the flow of street traffic.

Staff Recommendation/Findings:

The site currently has a garage and curb cut along Orange Street. The proposal to add a new 22' wide curb cut along W Creek Street is not consistent with the FBG Design Guidelines. Staff recommends a single width curb cut/drive that is typical in the historic district. The proposed fencing/walls is consistent with the materials found on-site and in the district. The pavilion at the rear of the property will not have a negative impact on the property or district. Staff recommends approval.



Certificate of Appropriateness Application

Required for all exterior modifications of properties in historic district or individual landmarks.

City of Fredericksburg

126 W Main St. FBG, TX 78264

e-mail completed applications with required supporting documentation to
ahudson@fbgtx.org

Subject Property Address	<u>223 W CREEK ST.</u>	Date Submitted	<u>12-30-2020</u>
Owner name:	<u>PEGGY METZGER</u>	Phone #	<u>830 997-0169</u>
Owner Address:	<u>401 W. SAN ANTONIO ST. FBG, TX 78624</u>		
Authorized Applicant:	<u>CASS PHILLIPS</u>	Phone #	<u>830 997-0169</u>
Applicant certifies that he/she is the Owner or duly authorized agent for the owner of the property.		Applicant E-mail:	<u>cphillips1000hill@gmail.com</u>
		Desired Start Date:	<u>2-1-2021</u>
		Desired Completion Date:	<u>8-1-2021</u>

Please describe the scope of work. Include: materials to be used, how the project will impact the historic structure, and cleaning methods. How will proposed work be in keeping with the character of the property? Are there circumstances or financial hardships which may affect compliance with the ordinance? Submit sufficient description and support documentation so that the project can be understood without talking to you. (attach another sheet if necessary)

1. NEW PAVILION
2. HORIZONTAL BOARD FENCE - 6' H.
3. NATIVE LIMESTONE WALLS
4. NEW SECTIONAL CONC. WALKS
5. ASSORTED HARDSCAPING - ALL PER SITE PLAN AND SIMILAR TO PHOTOS.

Attach supporting documentation in jpeg or pdf: ☐ paint color ☒ color photographs ☒ site plan
☐ elevations & floorplans ☐ material specifications. Applications are incomplete without sufficient documentation.

Staff to complete

Application #	<u>000000</u>	Year Built:	<u> </u>
Eligible for Administrative Approval	<u>Yes</u> ☒ <u>No</u> ☐	Zoning:	<u> </u>
Historic Review Board Meeting Date	<u>0000000000</u>	Application Fee \$10	COA#
Survey Rating:	<u>Medium</u>	HRB Fee \$40	paid
Staff Comments regarding Administrative Approval:			

Historic Preservation Officer Signature _____

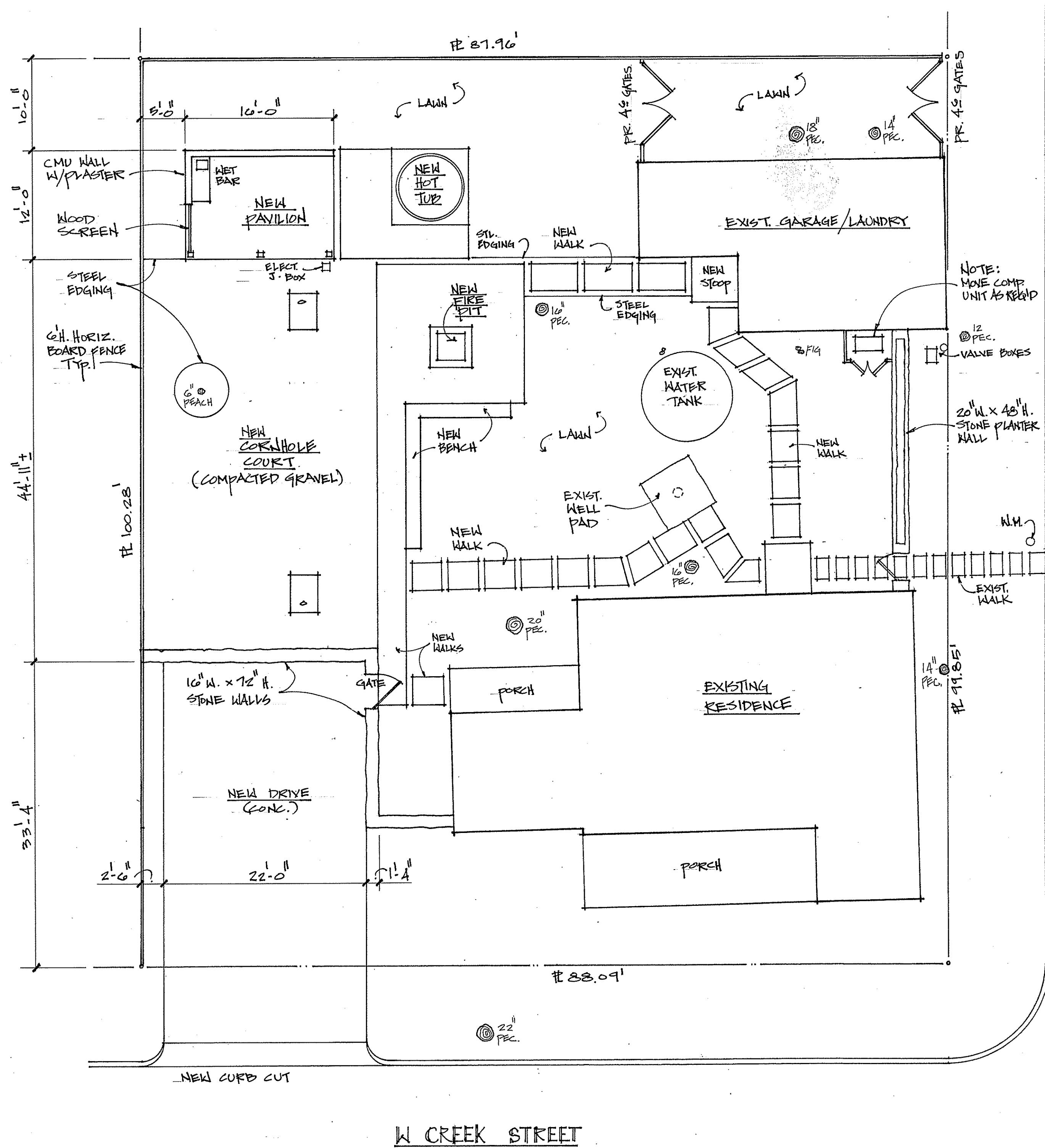
Certificates of Appropriateness MUST BE DISPLAYED on site along with building permits and do not take the place of building permits.











SITE PLAN

1" = 1'-0"

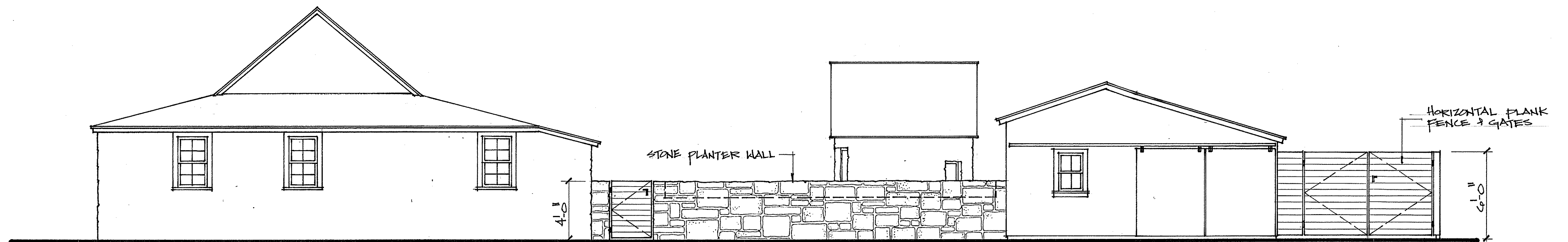
S ORANGE STREET

DEVELOPMENT OF HARDSCAPE @ 223 W. CREEK ST.
FOR PEGGY METZGER

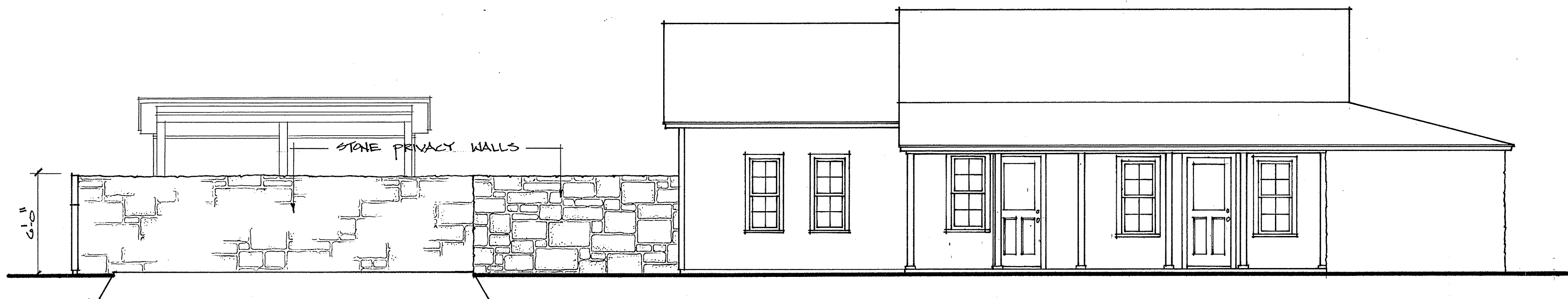
1 OF 2

12.29.2020

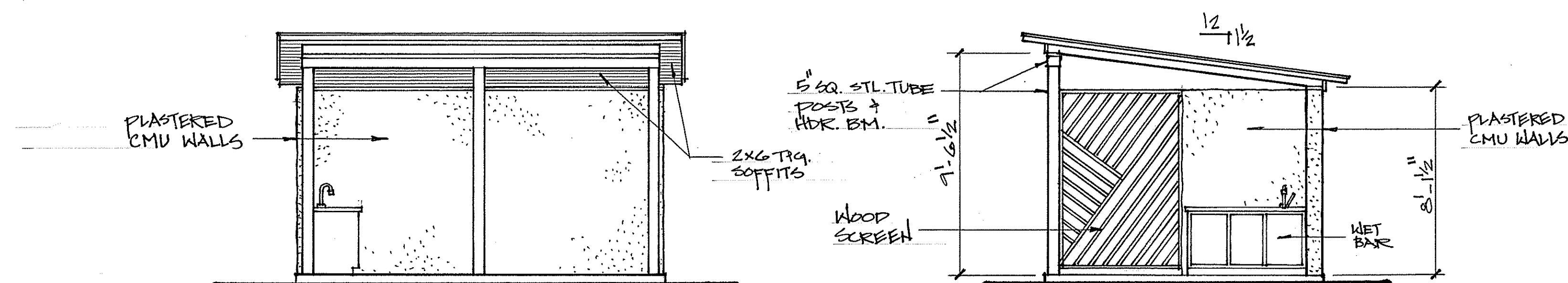
W. CASS PHILLIPS
PLANNING & DESIGN
1000 HILL ST. FREDERICKSBURG, TX 78624
cphillips99@austin.rr.com
C 830.997.0169 H 830.997.6736



WEST ELEVATION
S. ORANGE STREET VIEW



NORTH ELEVATION
W. CREEK STREET VIEW



NORTH ELEVATION

WEST ELEVATION

PAVILION

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

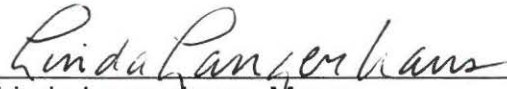
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

AN ACT

relating to the designation of a property as a historic landmark by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.0165 to read as follows:

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK. (a)
Except as provided by Subsection (b), a municipality that has
established a process for designating places or areas of
historical, cultural, or architectural importance and significance
through the adoption of zoning regulations or zoning district
boundaries may not designate a property as a local historic
landmark unless:

(1) the owner of the property consents to the
designation; or

(2) the designation is approved by a three-fourths
vote of:

(A) the governing body of the municipality; and
(B) the zoning, planning, or historical
commission of the municipality, if any.

(b) If the property is owned by an organization that
qualifies as a religious organization under Section 11.20, Tax
Code, the municipality may designate the property as a local
historic landmark only if the organization consents to the

1 designation.

2 (c) The municipality must provide the property owner a
3 statement that describes the impact that a historic designation of
4 the owner's property may have on the owner and the owner's property.
5 The municipality must provide the statement to the owner not later
6 than the 15th day before the date of the initial hearing on the
7 historic designation of the property of:

8 (1) the zoning, planning, or historical commission, if
9 any; or

10 (2) the governing body of the municipality.

11 (d) The historic designation impact statement must include
12 lists of the:

13 (1) regulations that may be applied to any structure
14 on the property after the designation;

15 (2) procedures for the designation;

16 (3) tax benefits that may be applied to the property
17 after the designation; and

18 (4) rehabilitation or repair programs that the
19 municipality offers for a property designated as historic.

20 (e) The municipality must allow an owner to withdraw consent
21 at any time during the designation process.

22 SECTION 2. Section 211.0165, Local Government Code, as
23 added by this Act, applies only to a designation of a property as a
24 historic landmark made on or after the effective date of this Act.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 2496

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 2496 was passed by the House on April 26, 2019, by the following vote: Yeas 124, Nays 11, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2496 was passed by the Senate on May 14, 2019, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor



CERTIFIED LOCAL GOVERNMENT HANDBOOK

TEXAS HISTORICAL COMMISSION

Updated 2019

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Cover art: City of Palestine, certified in 1990

Introduction to CLG

The Certified Local Government Program in Texas

The purpose of the Texas Historical Commission's CLG Program is to empower local communities to better protect historic resources by identifying local priorities, meeting recognized historic preservation standards and providing access to financial and technical services to further the identification, evaluation, designation, and protection of buildings, sites, districts, structures, and objects. In 1966, Congress passed the National Historic Preservation Act, establishing preservation as a national priority and creating programs to encourage preservation including State Historic Preservation Offices (SHPOs). The Texas Historical Commission (THC) serves as the SHPO and is charged with administering federal preservation laws and policies in Texas.

Congress amended the National Historic Preservation Act in 1980. The amendment built upon the successes of the original legislation and outlined a program to encourage participation in preservation at the local level, known as the Certified Local Government (CLG) Program. The CLG Program formally recognizes a partnership between the local, state, and federal governments to enhance preservation.

The THC's CLG Program is part of the agency's responsibilities in administering the National Historic Preservation Act of 1966, which along with the Historic Preservation Fund (HPF) Grants Manual, and Chapter 15.6 of the Texas Administrative Code, dictates how the CLG Program is administered.

The HPF Grants Manual dictates the minimum requirements states must follow in administering the CLG Program, and Chapter 9 outlines the purpose of statewide CLG Programs:

1. Ensure the broadest possible participation of local governments in the national historic preservation program while maintaining standards consistent with the National

Historic Preservation Act and the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation;"

2. Enrich, develop, and help maintain local historic preservation programs in cooperation and coordination with the SHPO; and
3. Provide financial and technical assistance to further these purposes.

Texas cities and counties that meet the criteria set forth in this document are eligible to apply for certification as a CLG. An American Indian tribe may be certified and participate in the CLG program if the tribe effectively meets the definition of a local government in Section 301(3) of the National Historic Preservation Act.

Communities participating in the CLG Program must follow the requirements set forth in the National Historic Preservation Act of 1966 (16 U.S.C. 470 et.seq.), the National Park Service Historic Preservation Fund Grants Manual, Chapter 15.6 of the Texas Administrative Code, the CLG Certification Agreement, and the policies contained in this handbook.

HELPFUL HINT: HOW TO USE THIS HANDBOOK

The CLG Handbook is intended to address the needs of current CLGs as well as potential CLGs. In the first half of this document, current CLGs will find requirements to stay in compliance with the program. CLGs must be in good standing to qualify for CLG grant opportunities. Communities interested in becoming a CLG will learn more about the benefits of the program and the steps necessary to become a CLG in the second half of this handbook.



City of Beaumont, certified in 1986

EXISTING CLGs

Requirements and Expectations

90

CLG Program Requirements for Cities

1 Adopt and maintain a local historic preservation ordinance that meets the CLG Program standards.

Requirements for the Preservation Ordinance

City CLGs must comply with the following to remain in good standing with the CLG Program. Preservation ordinances must meet the following standards to adequately protect the community's historic resources and meet the CLG Program standards.

- a. Clearly define the purpose of the ordinance;
- b. Establish a board or commission to carry out the business of the ordinance, and explain its duties;
- c. Appoint a city Historic Preservation Officer (HPO) to administer the ordinance;
- d. Establish a process for designating individual properties and districts;
- e. Use criteria based on the National Register of Historic Places for the designation of properties and districts;
- f. Enable the preservation commission to locally designate properties, or recommend designation to the jurisdiction's governing body;
- g. Follow municipal zoning codes, and detail how a designated historic property's zoning changes after designation;
- h. Establish provisions for the Certificate of Appropriateness application review for locally designated properties and districts;
- i. Criteria used to rule on a Certificate of Appropriateness must be based on, and consistent with, the Secretary of the Interior's Standards for Rehabilitation;
- j. Define how the local government will enforce the protection of locally designated historic properties;
- k. Describe the path to appeal a decision made by the preservation commission;
- l. Address demolition by neglect;
- m. Require a minimum of a 60-day stay on the demolition of designated historic properties.

① PRESERVATION ORDINANCE: A preservation ordinance is a local statute which gives a city the ability to protect its historic places through zoning.



City of Rockwall, certified in 2013

All new CLGs must fully meet the requirements for preservation ordinances stated above. Current CLGs certified before 2012 must meet ordinance requirements a-k. Requirements l-m were added in 2012; therefore, some existing CLGs may not meet all requirements. As the city updates or revises its preservation ordinance, the CLG shall be expected to comply with all CLG preservation ordinance requirements.

① DEMOLITION BY NEGLECT: Improper maintenance, neglect in the maintenance of, or lack of maintenance of a designated structure or property, which results in deterioration of the structure and threatens the preservation of the structure.

3 Maintain, by the local preservation ordinance, a qualified review commission, board, or committee for historic preservation having specific powers, such as review responsibility pertaining to proposed National Register nominations as well as actions that will affect local historic properties.

Requirements for City Preservation Commissions

Preservation commissions, through the powers and duties assigned to them in the city's preservation ordinance, should actively seek opportunities to promote preservation and proactively take steps to ensure protection of significant properties. Below are the requirements for city CLG preservation commissions.

- a. The preservation commission shall have a minimum of five members;
- b. All commission members must be appointed by either the chief elected official or City Council;
- c. All commission members must have a demonstrated interest, knowledge, or training in historic preservation;
- d. All commission members are required to complete Texas Open Meetings Act training provided by the Texas Attorney General's Office;
- e. All commission members must attempt to remain current concerning historic preservation issues and techniques. At least once a year, one or more commission members must attend a THC-led or THC-approved training;
- f. At least 60 percent of the commission membership shall be drawn from the preservation-related professions defined by the National Park Service. These professions include Architecture, History, Architectural History, Planning, Prehistoric and Historic Archaeology, Folklore, Cultural Anthropology, Curation, Conservation, and Landscape Architecture. This requirement may be waived if the local government can provide written documentation to the THC that it has made a reasonable effort to fill those positions;

① **CERTIFICATE OF APPROPRIATENESS:** The certificate issued by the city approving alterations, rehabilitation, construction, reconstruction, or improvement of a locally designated property.

- g. Terms of office of commission members shall be staggered and of at least two years duration. There need not be a limit on the number of consecutive terms served by one member;
- h. The local appointing authority shall act within 60 days to fill a vacancy, including expired terms. **The THC shall be provided with the résumés and qualifications of new appointments;**
- i. All meetings of the commission shall be open to the public. Minutes shall be kept of each meeting and shall be available for public inspection. **A copy of the minutes of each meeting shall be sent to the THC following approval at the next regularly scheduled meeting;**
- j. The commission must meet no less than six times a year. All commission meetings shall be properly posted and conducted in accordance with the Texas Open Meetings Act;
- k. All responsibilities and duties assigned to local preservation commissions shall be complementary to and carried out in coordination with those assigned to the State in 36 C.F.R. 61.6 (e) *Procedures for State, Tribal, and Local Government Historic Preservation Programs.*



City of Waxahachie, certified in 2003

4 Enforce the local historic preservation ordinance for the designation and protection of local historic properties.

The preservation commission shall carry out the business of the ordinance. This includes designating local historic landmarks and districts, and reviewing Certificate of Appropriateness applications for demolitions, alterations, modifications, or additions to designated properties.

CLG CASE STUDY: Galveston



Lost Bayou District, Galveston

In 2014, every local historic district in Galveston was also listed on the National Register, except the Lost Bayou Historic District. City staff recognized that designation of this district would allow property owners to take advantage of state and federal tax incentives as well as floodplain and building code exemptions during a natural disaster. With the help of a FY15 CLG grant, Galveston hired a consultant to prepare the National Register nomination, and the district was listed in 2017.

5 Adopt the Secretary of the Interior's Standards for Rehabilitation as the standards by which the preservation commission will review all work applications brought before it under the terms of the local historic preservation ordinance.

The criteria by which the preservation commission reviews Certificate of Appropriateness applications shall be based on the Secretary of the Interior's Standards for Rehabilitation.

Secretary of the Interior's Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships;
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided;
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken;
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved;
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved;
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence;
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used;

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken;
9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment;
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

HELPFUL HINT: CLG RESOURCES

In addition to the Secretary of the Interior's Standards for Rehabilitation, CLGs may also find the following resources helpful in conducting design review:

- Secretary of the Interior's Treatment Standards: <https://www.nps.gov/tps/standards.htm>
- Secretary of the Interior's Sustainability Guidelines: <https://www.nps.gov/tps/standards/rehabilitation/guidelines/index.htm>

① **REHABILITATION:** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

6 Ensure, to the maximum extent possible, public participation in the local historic preservation program, including the process of nominating properties to the National Register of Historic Places.

CLGs shall include the public in the local designation, design review, and National Register nomination process. Successful local preservation programs fully engage the public in preservation efforts beyond public meetings; these activities include educational events, programming for a variety of ages, and sharing information on the city's website or social media platforms.



City of Georgetown, certified in 1986