

MEMO



Meeting

Date: May 21, 2018

To: Planning Commission

From: Jon C. James, AICP
Director

Request: Public hearing and consideration of an amendment to the Zoning Ordinance for the following: 1) Rezoning various portions of the City as overlay zoning districts: River Corridor District, Downtown District, and Cultural District with associated maps; 2) Creation of these districts with associated policies that identify the purpose of each district, establishing their applicability, and stating procedures for their review; and 3) revising and consolidating portions of Section 308 and Section 211 "Historic Overlay Zone"

Summary:

April 16, 2018, Planning Commission:

The Planning Commission recommended approval of the following:

- 1. Creation of three new proposed Overlay Districts – a revised River Corridor area, a new Downtown Overlay District, and a new Cultural Overlay District with associated maps.** The purpose of this section is to create new district overlays and boundaries that are representative of current development patterns. This included separating what is now the River Corridor into separate districts, including the commercial and historic core into a "downtown" district, the museums, Fort Concho, and surrounding areas into a "cultural" district, and the properties adjacent and visible from the river into a new "river corridor" district.
- 2. Revising the application process and the creation of new development standards.** This amendment establishes a new application process and standards for improvements within the three new districts.
- 3. Repeal of Article 12.06 "River Corridor Development" of the San Angelo City Code of Ordinances; and repeal of the "Old Town Historic District" (Z10-14).** Article 12.06 is no longer required as it being replaced with the new overlay zoning districts in the Zoning Ordinance. The Old Town District is no longer required because properties within this area will become part of either the new Cultural District or River Corridor District.

Proposed changes:

- 1. Rezoning various portions of the City as overlay zoning districts: River Corridor District, Downtown District, and Cultural District with associated maps.** The proposed rezoning would rezone various portions of the City into three distinct overlays that correspond with the unique characteristics of each district. The underlying zoning of the properties (e.g. Central Business District, General Commercial, Single-Family Residential) would continue to apply. The overlay districts would apply additional standards on top of the underlying zoning requirements.
- 2. Creating three new district overlay zones as separate sections with associated maps, a new Section 309 “River Corridor District Overlay Zone,” Section 310 “Downtown District Overlay Zone,” and Section 311 “Cultural District Overlay Zone.”** The purpose of this revision is to recognize the three new districts as separate entities which will eventually have their own design standards. This includes identifying the purpose of each district, establishing their applicability, and identifying procedures for their review. Meanwhile, new construction and improvements that require design approval will follow the new standards and procedures as outlined in Section 212 (see below).
- 3. Revising the existing standards for Section 211 “Historic Overlay Zone” and Section 308 “HO - Historic Overlay Zone” of the Zoning Ordinance to clarify the process for when a Certificate of Appropriateness is required for development on properties in historic districts or containing historic landmarks.** These revised standards include the removal of duplicate portions of Section 308 into Section 211 and clarification of language.

The comprehensive set of changes, which includes what was approved at the April 16 Meeting, can be found at the end of this report.

Design and Historic Review Commission Review:

The proposed changes were discussed at the Design and Historic Review Commission (DHRC) meetings of January 11, February 15, and March 15 of 2018. The DHRC accepted most of the Planning Division’s recommendations, but requested that all construction be reviewed by the DHRC, even if under 1,200 square feet which is the current standard. They also recommended that all signs under 50 square feet may be administratively approved by the Planning Director whereas the current ordinance requires all lit signs to be approved by the DHRC. Finally, they recommended that the section on encroachments be written more generally to avoid confusion or future changes in policy. On March 15, 2018, by a unanimous vote of 5-0, the Commission voted to accept the proposed final changes. The Planning Division now requests the Planning Commission to provide a recommendation on the matter, with a final review and decision to be made by City Council at their July 17, 2018, meeting.

Background:

The Planning Division recently undertook a review of the City's River Corridor Development Ordinance, as well as the boundaries of the River Corridor, downtown area, and historic overlay districts to determine a) changes to the current development review process for River Corridor applications; and b) changes to the current boundaries of the River Corridor, downtown area, and historical areas.

The current River Corridor map and ordinance have been in effect for over twenty years. Staff's research has determined that several changes should be made to ensure efficiency and clarity for customers and a clear, simplified approval process for these areas of the City. Staff also believes that these changes will assist in the creation of design standards in the future to ensure appropriate design and long-term growth potential of these areas.

Map Changes and New Districts:

The current River Corridor overlay boundary requires revisions to better reflect current development trends, as well as the establishment of new Downtown and Cultural Overlay Districts which act as separate and distinct development areas. The current River Corridor Map includes Downtown San Angelo and parts of the Old Town District which encompass the San Angelo Museum of Fine Arts. Staff considers that these areas serve as their own districts and propose removing them from the River Corridor. The new River Corridor Map has been reconfigured, following the river line and encompassing adjacent properties. This will ensure that properties abutting the river from the western to the eastern city limits are subject to higher design standards, but excluding those areas not adjacent to or visible from the river. The new Cultural District incorporates Fort Concho, Santa Fe Crossing, and a series of art studios and historical buildings into a single district to reflect current activity in this area. The creation of this new Cultural District will facilitate the repeal of the existing Old Town District as it covers most of the same area. Finally, Staff believes that the creation of a new Downtown District will better reflect the actual urban core of the City, including the entire Central Business District (CBD) and surrounding urban areas where the City's Comprehensive Plan recommends for future expansion of the CBD. This area includes a wide range of restaurants, bars, retail, commercial services, and professional offices.

New applications in these overlay districts would continue to be subject to the River Corridor Master Development Plan guidelines until a comprehensive set of design standards are incorporated into the Zoning Ordinance for each of these districts. Historical buildings would continue to require a Certificate of Appropriateness as per Section 211 of the Zoning Ordinance.

Attachments:

Proposed Text Amendment

Overall Map

River Corridor District Overlay Zone Map

Downtown District Overlay Zone Map

Cultural District Overlay Zone District Map

Sec. 211. Historic Overlay Zone

A. Purpose. The Historic Overlay Zone provides additional regulations that supplement the underlying base district regulations for the purpose of preserving historic landmarks and districts.

B. Procedure for Designation of Landmark or District. Designation of historic landmarks or districts is accomplished by encompassing each such landmark or district within a Historic Overlay Zone by amendment to the Official Zoning Map for the City. Such an amendment must be approved by ordinance of City Council, following a public hearing and recommendation by the Design and Historic Review Commission, who shall act in this matter in place of the Planning Commission. The procedures of [Section 213](#) regarding amendments to the Official Zoning Map shall apply, with delegation of the Planning Commission's duties and responsibilities to the Design and Historic Review Commission, and using criteria set forth in subsections C and D below.

C. Criteria for Designation of Historic Landmarks. A Historic Landmark may be designated through application of the Historic Overlay Zone if it:

1. possesses significance in history, architecture, archaeology, or culture;
2. is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
3. is associated with the lives of persons significant in our past;
4. embodies the distinctive characteristics of a type, period, or method of construction;
5. represents the work of a master designer, builder, or craftsman;
6. represents an established and familiar visual feature of the city;
7. possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
8. has yielded, or may be likely to yield, information important in prehistory or history.

D. Criteria for Designation of Historic Districts. A Historic District may be designated through application of the Historic Overlay Zone if it:

1. Contains properties and an environmental setting that meet one or more of the criteria for designation of an historic landmark; and
2. Constitutes a distinct section of the city.

E. Certificate of Appropriateness Required for Alteration or New Construction. No person shall carry out any exterior new construction, reconstruction, alteration, restoration, any exterior new rehabilitation, including any addition to or expansion of an existing building, or relocation of any historic landmark or on any property within a historic district without a Certificate of Appropriateness. Nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, building exteriors or other exterior elements in a district or to a landmark, visible from a public right-of-way in that district or landmark, which affect the appearance and cohesiveness of any historic landmark or any property within the historic district without obtaining a Certificate of Appropriateness from the Design and Historic Review Commission.

F. Certificate of Appropriateness Required for Demolition. A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the Building Official, without the review of a completed application for a Certificate of Appropriateness approved by the Design and Historic Review Commission, as provided for above.

G. Certificate of Appropriateness Application Procedure

1. Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the Planning Director or designee. The application shall contain:

- a. Name, address, telephone number of applicant, detailed description of proposed work.
- b. Location and current photograph of the property and adjacent properties and historical photographs, if available.
- c. Elevation drawings of the proposed changes, if available.
- d. Samples or description of materials to be used.
- e. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
- f. Any other information which the Planning Director or designee may deem necessary in order to visualize the proposed work.
- g. Elevation drawings of the proposed changes.
- h. Samples of materials to be used.

2. No building permit shall be issued for such proposed work until a Certificate of Appropriateness has first been issued by the Design and Historic Review Commission. The Certificate of Appropriateness required by this

section shall be in addition to, and not in lieu of, any permit for building or other construction-related activity that may be required by any other City ordinance.

3. ~~The Design and Historic Review Commission shall review the application at a regularly scheduled meeting within forty-five (45) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Commission shall **and** take one of the following actions on the permit: approve, approve with modifications, or deny the application. In the event the Commission does not act within ninety (90) days of the receipt of the application, the Certificate of Appropriateness shall be deemed to have been approved.~~

4. All decisions of the Design and Historic Review Commission shall be in writing. The Commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. ~~Additional copies shall be filed as part of the public record on that property and dispersed to the Planning Division and the Permits Division.~~

H. Criteria for Approval of a Certificate of Appropriateness. Approval of applications for Certificates of Appropriateness shall be determined by the Design and Historic Review Commission, following a public hearing on the matter. In considering an application for a Certificate of Appropriateness, the Commission shall be guided by any specific design guidelines adopted for a particular district or landmark, and where applicable, the following from The Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings:

1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

2. The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

I. Economic Hardship Application Procedure

1. After receiving written notification from the Design and Historic Review Commission of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process; or, this process may be simultaneous with the original Certificate of Appropriateness application procedure. No building permit or demolition permit shall be issued, unless the Commission makes a finding that hardship exists.
2. When a claim of economic hardship is made, due to the effect of this ordinance, the owner must prove that:
 - a. the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b. the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - c. efforts to find a purchaser interested in acquiring the property and preserving it have failed.

3. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

4. The Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the Planning Director ~~preservation officer~~. Following the hearing, the Commission has thirty (30) days in which to prepare a written recommendation to the building official. ~~In the event that the Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.~~

5. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by mail and a copy filed with the Planning Department ~~Division and the Permits Division~~. The Commission's decision shall state the reasons for granting or denying the hardship application.

J. Appeal. An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner and according to the same procedures as provided in Section 212 of Chapter 12, Exhibit A "Zoning Ordinance," of the Code of Ordinances of the City of San Angelo, except that review and public hearing by the Planning Commission shall not be necessary.

K. Enforcement. All work performed pursuant to a Certificate of Appropriateness issued under this Zoning Ordinance shall conform to any requirements included therein. It shall be the duty of the Building Official or his/her designee to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Design and Historic Review Commission and verification by the Building Official, the Building Official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

Sec. 308. HO (Historic Overlay Zone)

A. Purpose. The City Council has declared that as a matter of public policy, the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that San Angelo represents that unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage. This overlay zone is intended for the following purposes.

1. Protect and enhance the landmarks and districts which represent distinctive elements of San Angelo's historic, architectural, and cultural heritage.

2. Foster civic pride in the accomplishments of the past.
3. Protect and enhance San Angelo's attractiveness to visitors and the support and stimulus to the economy thereby provided.
4. Insure the harmonious, orderly, and efficient growth and development of the city.
5. Promote economic prosperity and welfare of the community by encouraging the use of such property within the city.
6. Encourage stabilization, restoration, and improvements of such properties and their values.

B. Establishment. Historic Overlay Zones may be established to preserve and encompass districts and landmarks. Historic Overlay Zones shall be applicable in all zoning districts, or portions thereof. Boundaries of the zone for individual sites or landmarks shall be aligned with recorded property lines, where feasible. Boundaries for districts shall be aligned with right-of-way lines, property lines, or other identifiable natural or man-made divisions. Allowed use of all property included in the Historic Overlay Zone shall continue to be governed by the base zoning district and all regulations pertaining thereto.

C. Designation of Historic Landmarks and Districts. Designation of overlay zones for historic landmarks and districts, and any activity thereon as defined in Section 211, shall follow the procedures set forth in Sec. 211.

~~D. Certificate of Appropriateness Required~~

~~1. A Certificate of Appropriateness shall be required for any of the following actions undertaken on any property within a Historic Overlay Zone.~~

~~a. Construction of a new building.~~

~~b. Addition to or expansion of an existing building.~~

~~c. Any material alteration, reconstruction, restoration or rehabilitation of exterior features on any existing building.~~

~~d. Relocation of an existing building to or from any property in any Historic Overlay Zone.~~

~~2. A permit for the demolition of an historic landmark or any building on any property within an historic district, including secondary (accessory) buildings, shall not be granted by the Building Official without the approval of a completed application for a Certificate of Appropriateness, as set forth in Sec. 211.~~

D. Ordinary Maintenance. Nothing in this Zoning Ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within any Historic Overlay Zone, that does not involve a change in design, material, or outward appearance. In-kind replacement or repair shall be considered ordinary maintenance.

E. Demolition by Neglect. No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Design and Historic Review Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration shall include the following.

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Deterioration or crumbling stucco or mortar.
5. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
6. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

Sec. 309. River Corridor District Overlay Zone

A. Purpose. The protection, enhancement, and perpetuation of districts of historical and cultural importance and significance is necessary to promote the economic, cultural, and educational welfare of the public. The River Corridor District Overlay will limit the impacts of development and give special consideration to the land along Concho River banks and adjacent properties. The River Corridor District Overlay will help to protect the City's natural resources by including heightened design standards and allowances associated with specific uses. The River Corridor District Overlay is intended to:

1. Protect and enhance the properties which represent distinctive elements of San Angelo's historic, architectural, and cultural heritage.
2. Foster community pride in the accomplishments of the past, present, and future.

3. Protect and enhance San Angelo's attractiveness to visitors and thereby provide stimulus to the economy.
 4. Encourage stabilization, restoration, and improvements of properties in the District and their values.
- B. Establishment. The River Corridor Overlay Zone shall be applicable in all zoning districts, or portions thereof. The boundaries for the district shall be aligned with right-of-way lines, property lines, or other identifiable natural or man-made divisions. Allowed use of all property included in the River Corridor Overlay Zone shall continue to be governed by the base zoning district and all regulations pertaining thereto.
- C. Procedures for Review within the River Corridor District Overlay. Review of applications within the River Corridor District Overlay shall follow the procedures set forth in Section 212.
- D. Boundary Map. The boundaries of the Cultural District Overlay Zone are depicted on the "River Corridor District Overlay Zone Map" maintained in the Planning Department.

Sec. 310. Downtown District Overlay Zone

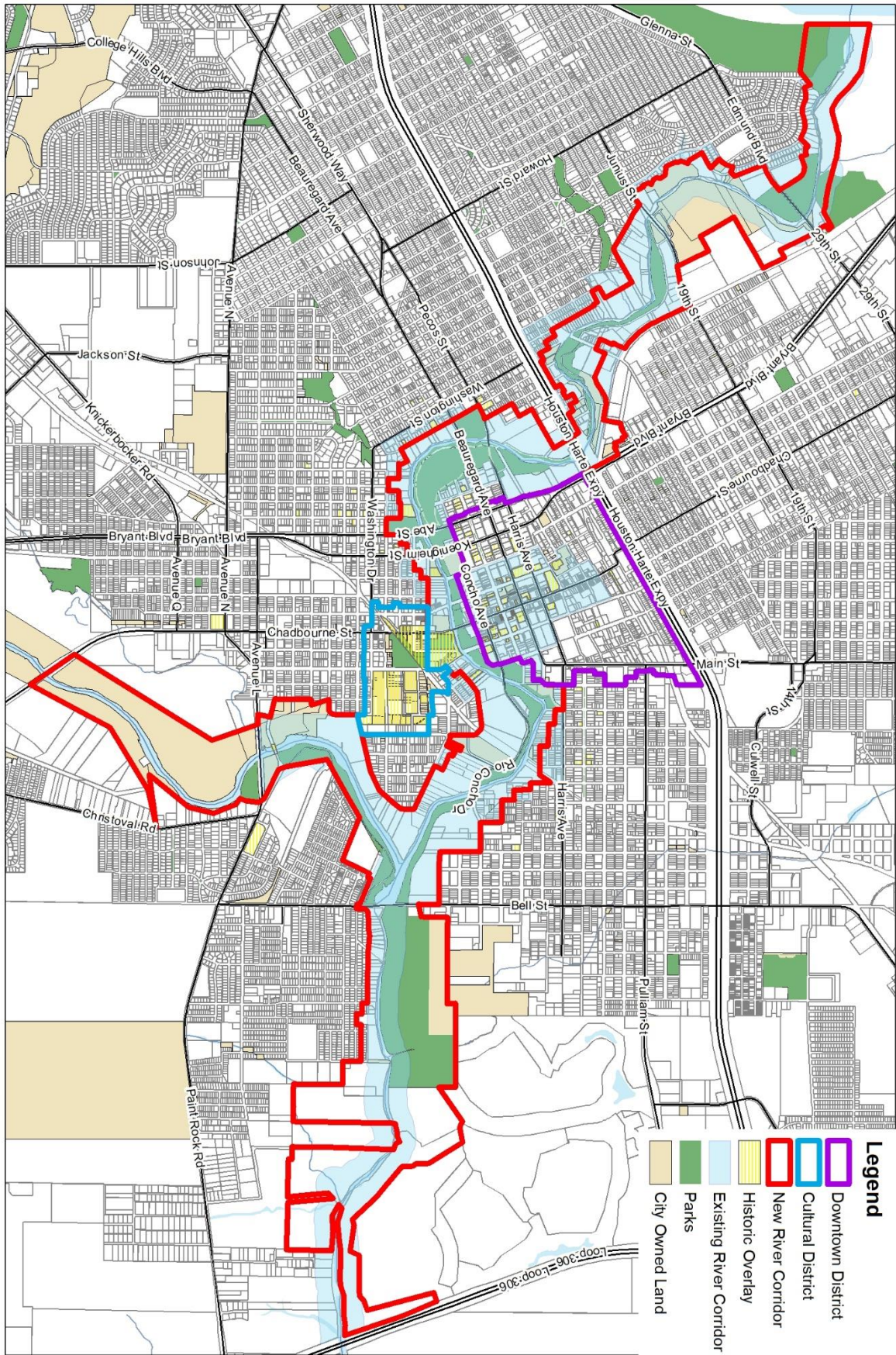
- A. Purpose. The San Angelo City Council intends to reinforce Downtown San Angelo as the principal commercial service and cultural center of the City. It is recognized that Downtown San Angelo represents that unique confluence of individuals and businesses that has shaped the identity of this district. As a result, City Council hereby recognizes the Downtown District Overlay as an area to be enhanced through quality design standards and preserved through the protection of historical and cultural resources. This overlay zone is intended to:
1. Protect and enhance the historical landmarks and districts located Downtown that are representative of the City's architectural, historical, and cultural heritage through appropriate design standards.
 2. Promote economic prosperity of the Downtown by encouraging the use of such property and associated improvements.
 3. Encourage redevelopment of a mixture of uses, neighborhood services, and amenities Downtown to conserve its long term viability and success.
 4. Protect and enhance the area's attractiveness to visitors through ensuring new development and redevelopment is consistent with the Downtown District Overlay Zone standards.

- B. Establishment. The Downtown District Overlay Zone shall be applicable in all zoning districts, or portions thereof. Boundaries shall be aligned with right-of-way lines, property lines, or other identifiable natural or man-made divisions, where feasible. Allowed use of all property included in the Downtown District Overlay Zone shall continue to be governed by the base zoning district and all regulations pertaining thereto.
- C. Designation of Historic Landmarks and Districts. Review of applications within the Downtown District Overlay Zone shall follow the procedures set forth in Section 212.
- D. Boundary Map. The boundaries of the Downtown District Overlay Zone are depicted on the "Downtown District Overlay Zone Map" maintained in the Planning Department.

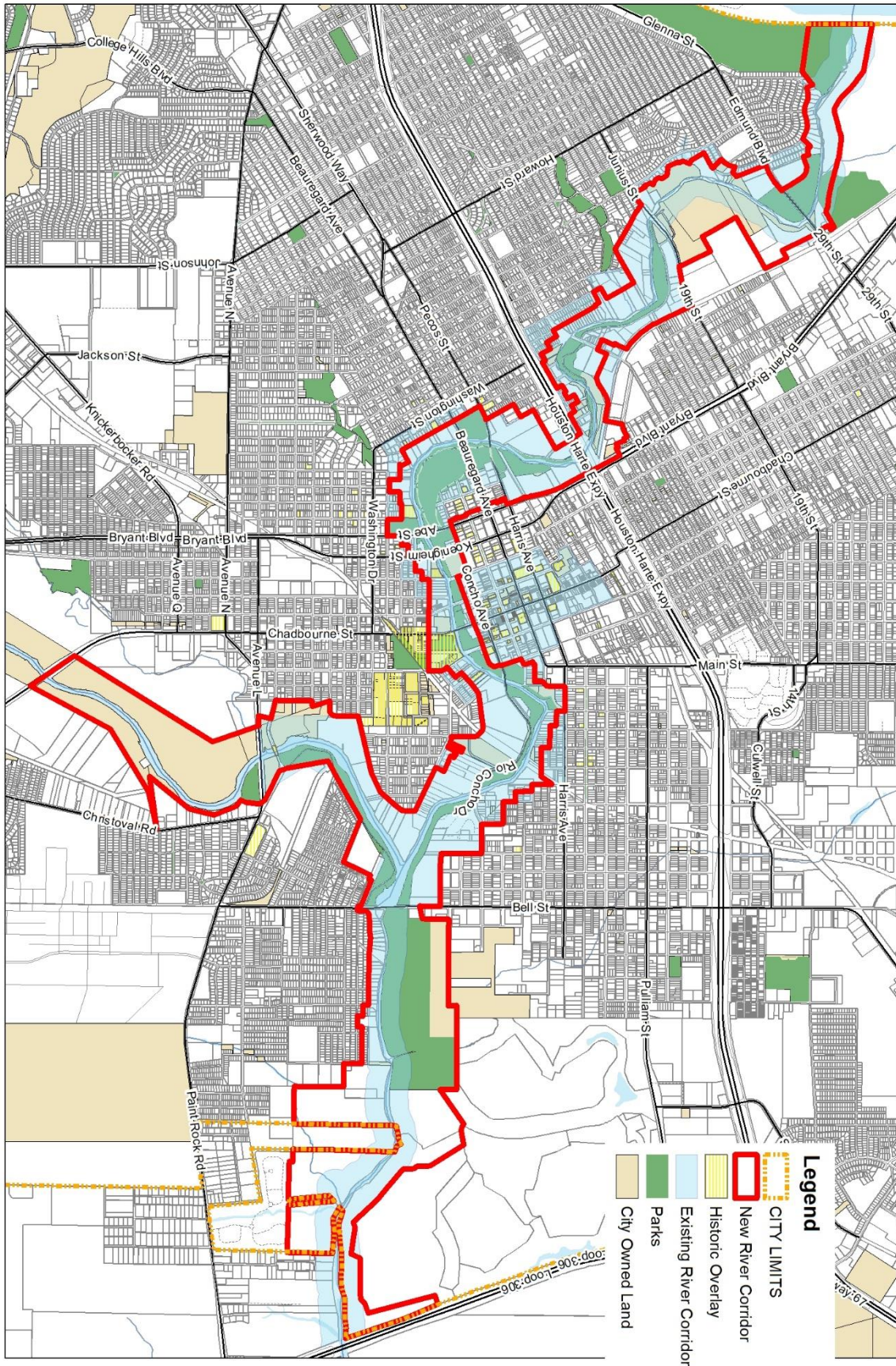
Sec. 311. Cultural District Overlay Zone

- A. Purpose. The City Council has declared that as a matter of public policy, the protection, enhancement, and perpetuation of districts of cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that San Angelo represents that unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage. This overlay zone is intended for the following purposes.
 - 1. Protect the cultural areas which represent distinctive elements of San Angelo's historic, architectural, and artistic heritage.
 - 2. Nurture the preservation of cultural landmarks in the area.
 - 3. Enhance the district's attractiveness to visitors and promote stimulus to the economy.
- B. Establishment. The Cultural District Overlay Zone shall be applicable in all zoning districts, or portions thereof. The boundaries for the district shall be aligned with right-of-way lines, property lines, or other identifiable natural or man-made divisions. Allowed use of all property included in the Cultural District Overlay Zone shall continue to be governed by the base zoning district and all regulations pertaining thereto.
- C. Procedures for Review within the Cultural District. Review of applications within the River Corridor District Overlay shall follow the procedures set forth in Section 212.
- D. Boundary Map. The boundaries of the Cultural District Overlay Zone are depicted on the "Downtown District Overlay Zone Map" maintained in the Planning Department.

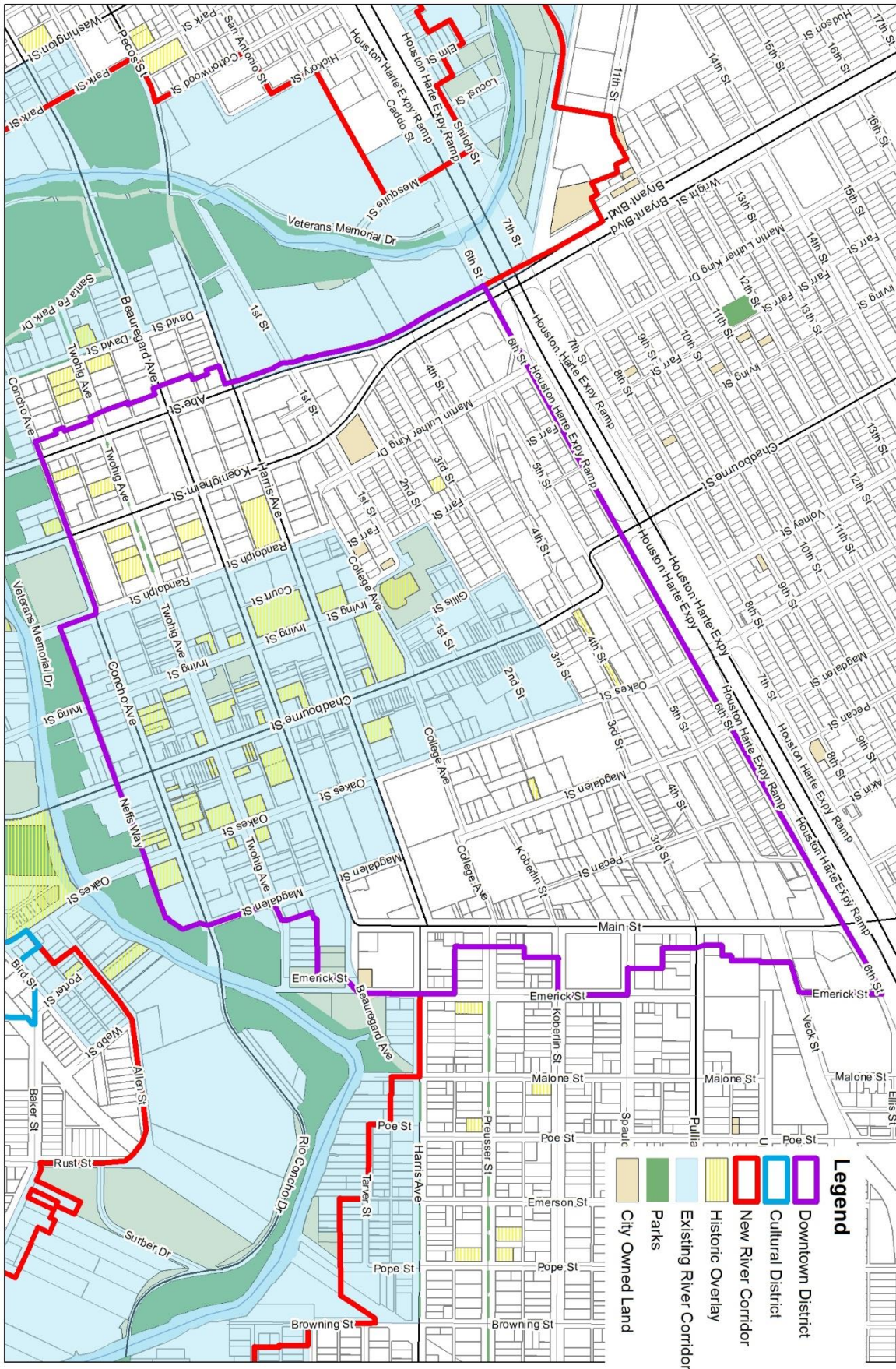
Overall Map



River Corridor Overlay Map



Downtown District Overlay Map



Cultural District Overlay Map

