

Exhibit A

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 through 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, which shall act 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.

Exhibit A

E. *Certificate of Appropriateness Required.* No person shall carryout any exterior new construction, reconstruction, alteration, restoration; any exterior rehabilitation, including any addition to or expansion of an existing building; or, relocation of any historic landmark, on any property within a historic district without first securing a Certificate of Appropriateness. Nor shall any person make any material change in the light fixtures, signage (other than content of message), sidewalks, fences, steps, paving, building exterior or other exterior elements in a historic district or to a landmark, visible from a public right-of-way in that district, which affect the appearance and design cohesiveness within the district of the historic building or landmark, without first obtaining a Certificate of Appropriateness from either the Design and Historic Review Commission or Planning Director, as outlined below.

F. *Certificate of Appropriateness Required for Demolition.* A permit for the demolition of an historic landmark or property within an historic district, including secondary buildings and landscape features, shall not be granted by the Building Official, 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. Review by Planning Director. The Planning Director, or designee, may:

1. Review and approve, conditionally approve, or disapprove applications for the following:

a. Like-for-like replacement, using the same material and design as the original and does not require structural modifications;

b. Signage:

i. All signs under 50 square feet;

ii. Replacement of an existing sign that is substantially similar.

c. Fences or walls that do not include any signage or message, nor contain any graphics, video, or television display;

d. Landscaping associated with a private park, or within a public street right-of-way;

e. Exterior painting or repainting of any part of a structure;

f. All telecommunication towers and related facilities less than or equal to 35 feet in height;

g. Any construction not visible from a public street right-of-way;

h. Construction which is required by law, for the purpose of safety and access, including parking areas, driveways, sidewalks and walkways;

i. Temporary structures and/or signs that will be in place no longer than thirty consecutive days;

Exhibit A

j. A food truck with a temporary food permit.

2. Refer any application to the Design and Historic Review Commission for review and approval.

3. Appeal of Planning Director's Decision. An applicant, designated representative or aggrieved individual may appeal a decision of the Planning Director made under this Section to the Design and Historic Review Commission by filing a written, signed notice of appeal stating the grounds for appeal with the Planning Director within 30 days of the Director's written decision.

H. Review by Design and Historic Review Commission (DHRC). The DHRC has authority to review and approve, conditionally approve, or disapprove all requests that are not reviewed by the Planning Director under subsection G or deferred by the Planning Director under subsection

RIG. 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.
- 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. Samples of materials to be used.

2. A building permit shall not 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 fully completed application and

Exhibit A

application fee is received. The commission may take one of the following actions on the application for permit: approve, approve with modifications, or deny.

4. All decisions of the Design and Historic Review Commission shall be in writing, adopted by motion of the Commission. The written decision shall include a statement of relevant findings. The decision shall be filed in the office of the Planning Director, with a copy mailed to the applicant.

~~JH.~~ *Criteria for Approval of a Certificate of Appropriateness.* Approval of applications for Certificates of Appropriateness shall be determined by the Planning Director, or by the Design and Historic Review Commission, following a public hearing on the matter. In considering an application for a Certificate of Appropriateness, the Planning Director or Commission shall be guided by the guidelines below, and any other 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. High or medium priority historic p~~Properties that have been designated as "high" or "medium" priority within a historic resources survey, or those with a "low" priority designation for which historic properties requesting a demolition is requested, or those with no designation and those unidentified but within a historic district or designated as a landmark, shall be reviewed with the following criteria:

a) The City's Central Business District Design Guidelines, or Old Town District Design Guidelines (if the property falls within one of these districts), or other such guidelines approved by the City Council for the area within which the property falls;

b) Any historic surveys or other information that would indicate the original design of the building or structure;

c) The Guidelines for the Treatment of Historic Properties from the Secretary of the Interior as provided on the City's website; and,

d) The following standards 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.

Exhibit A

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.

~~d) These properties under this Section 211 would not require an additional District Overlay Zone approval under Section 212 of the Zoning Ordinance if located within one of these districts.~~

~~2. Low priority historic pProperties designated as "low" priority, {for which not requesting a demolition is not being requested}, shall not require a Certificate of Appropriateness. However, if located within the River Corridor, Downtown District, or Cultural District Overlay Zones, they will require a District Overlay Zone approval as outlined under Section 212 of the Zoning Ordinance, and shall be subject to review of any approved design guidelines adopted for these districts.~~

~~KL. Properties subject to a certificate of appropriateness review under this Section 211 do not require District Overlay Zone approval under Section 212 of the Zoning Ordinance.~~

Exhibit A

HLM. *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. Following the hearing, the Commission has thirty (30) days in which to prepare a written recommendation to the building official.
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. The Commission's decision shall state the reasons for granting or denying the hardship application.

JMN. *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 the written decision of the Commission is filed in the Planning Director's office with a copy mailed to the applicant. 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 213 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.

NOK. *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

Exhibit A

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.

(Section 211 amended by sec. 10, Ordinance adopted 9-4-12; Ord. No. [2019-121](#), § 3, 9-17-19)