

DIVISION I. Historic District Overlay Designation

Sec. 10-714. Historic District Overlay

a. Purpose

A Historic District Overlay is intended to establish and preserve structures, sites or areas that have outstanding historical and cultural significance. It is not intended to limit the development of undeveloped lands.

b. Designation

The City Council may designate sites, buildings, structures, landscapes and objects as historic districts, including the public rights-of-way in and surrounding such historic districts, by adopting a zoning district designated as the Historic District Overlay (HD-O) on the City's official zoning map pursuant to the procedures set forth herein. Nothing contained in the designation of a property as a HD-O shall affect the use of the property, and all uses shall be governed by the zoning use districts established by the Unified Development Code. The City is divided into "Zoning Districts" which are restricted to residential use; for office, limited commercial or educational use; for commercial, mixed use or educational, industrial/manufacturing use.

c. Ordinance required

Each HD-O shall be designated by a separate ordinance. Such an ordinance will set forth the boundaries of a HD-O and will include regulatory standards and guidelines applicable to the district.

d. HD-O Criteria

An HD-O may be established to preserve areas of exemplary architectural, archaeological, cultural, or historic value provided such areas are located within an area contained within the Historic Resources Survey, when such survey conforms to survey guidelines established by the Texas Historical Commission and the National Park Service, is on file at the City, and which meet one or more of the following characteristics:

1. Significance in history, architecture, archaeology or culture.
2. Association with certain events that have made a significant contribution to the broad patterns of local, regional, state or national history.
3. Association with the lives of significant persons in the past.
4. Embodies the distinctive characteristics of an architectural or engineering type, period or method of construction.
5. Represents the work of a master designer, builder or craftsman.
6. Represents an established and familiar feature of the community.

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7. A HD-O must consist of an area of at least one block face, with a minimum of three contiguous properties and with at least three-fourths of the properties that are at least fifty years old. Properties not required to meet the 75% or the block face that do not want to join into the district are not required to become part of the district. Commercial zoned property contained within the district must be at least 75 years old and must be a contributing property or structure as defined in subsection e below. Vacant properties over two acres may not be included in a proposed district unless they are contributing properties. As it relates to this ordinance, a block face consists of a minimum of one side of a street between two boundary streets or a dead end (cul de sac). Once a HD-O is created, adjoining properties may be included by a separate ordinance, and must complete the required process established in subsection f.



e. Guidelines and regulations applicable to HD-O

Design guidelines and other appropriate regulations concerning exterior and site development or redevelopment of the HD-O may be recommended by the Historical Preservation Board and adopted by the City Council as part of the ordinance establishing the HD-O. Interior renovations are exempt from all requirements of the HD-O. Any regulation for a specific HD-O shall apply to all contributing properties or structures wholly contained within the HD-O. As it relates to this ordinance a contributing property or structure is one that by location, design, setting, material, workmanship, feeling and association adds to the district's sense of time and place and historical development. All new additions, exterior alterations or related new construction for non-contributing properties or structures wholly contained within the HD-O must conform and be contextual as it relates in scale, mass, placement and materials to the surrounding properties.

Standards for the HD-O shall be as set out in the following Secretary of Interior 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 for 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. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

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5. 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.
6. 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.
7. Material and significant archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
8. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.
9. 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. New construction, in general, shall be compatible with the existing buildings or structures in the HD-O regarding scale, mass, placement and materials.

Additional guidelines for the HD-O shall be found in the Secretary of Interior Guidelines for Rehabilitating Historic Buildings. A copy of such regulations shall be available in the Planning Department, as well as on the Planning Department website.

f. Authority to designate

Designation of a HD-O may be accomplished by ordinance of the City Council if all of the following requirements are met:

1. A petition to the Planning and Zoning Department containing the signatures of at least 75 percent of the property owners located within the proposed HD-O; and
2. A recommendation for approval by the Historical Preservation Board; and
3. Favorable vote of a simple majority of the members of the City Council.

g. Notice requirements

Notice shall be provided as set forth in Section 10-586.

h. Scope of City Council Review

In its review of the proposed HD-O the City Council may:

1. Revise the proposed regulatory standards or guidelines attached to the proposed ordinance designating a HD-O; and
2. Reduce the boundaries of the HD-O as proposed in the map attached to the proposed ordinance.

The designation, amendment or retraction of a designation will not become effective until a map setting forth the boundaries of the HD-O, or change in the boundaries thereof, has been filed with the Planning and Zoning Department and as listed on the tax rolls of the Smith County Appraisal District (SCAD). (Ord. No. 0-2008-147; 11/19/08) (Ord. No. 0-2011-45; 6/8/11)