

ORDINANCE 2005-003

AN ORDINANCE ENTITLED THE CASTROVILLE COMMERCIAL ARCHITECTURAL STANDARDS AND REGULATIONS; ESTABLISHING THE STANDARDS, REGULATIONS, AND PROCEDURES TO PROTECT THE ARCHITECTURAL CHARACTER AND HISTORY OF COMMERCIAL STRUCTURES; PROVIDING FOR A DESIGN REVIEW BOARD; PROVIDING FOR A CERTIFICATE OF APPROPRIATIONS WITH AN APPLICATION, REVIEW, APPROVAL STANDARD AND ISSUANCE; PROVIDING FOR AN APPEAL AND REAPPLICATION; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Castroville is a historic town and is very proud of its heritage, cultural background and the architecture of the historic buildings that provide a unique atmosphere enjoyed by the community, and

WHEREAS, Castroville's desire is that this atmosphere is maintained, and

WHEREAS, new commercially used buildings or additions should be sensitive to the historic character and heritage and blend into the historic architecture to maintain the uniqueness of Castroville for the benefit of the community, and

WHEREAS, the Design Review Board is a Board established by the City Council and reviews architectural guidelines for new structures and additions to commercial buildings,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castroville;

The Castroville Commercial Architectural Standards and Regulations

Section One. Purpose

The City Council of the City of Castroville hereby declares that as a matter of public policy the protection, enhancement and preservation of historic, cultural and architectural importance is necessary to promote the economic, cultural, educational and general welfare of the public. The purpose of this article are to:

1. Protect and enhance the city's history, culture and architecture by promoting the value and importance of those attributes;
2. Strengthen the economy of Castroville;
3. Protect and enhance Castroville's attractiveness to visitors and residents;
4. Insure harmonious, orderly and managed growth and development of the City of Castroville;
5. Increase public awareness and appreciation of Castroville's historic past and unique sense of place; and

'Restoration' means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

'Routine maintenance' means any work which is to correct any deterioration, decay or damage to a structure or property, or any part thereof, and to restore to the same condition prior to such deterioration, decay or damage, using the same materials and design as the original. Routine maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair. Examples of routine maintenance include, but are not limited to: repainting in same colors that exist, replacement of roofing materials in the same color, materials and design, repairing siding or windows if the same materials and design, and repair of sidewalks and driveways using the same type and color of materials.

'Structure' means anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including without limitation, buildings.

Section Three. Design Review Board

There is hereby created a Commission to be known as the Design Review Committee, referred to as the "Board" in this article.

- a. Membership. The Board is composed of five (5) members appointed by the City Council to review the building plans of applicants and act upon granting Certificates of Appropriateness for commercial new and alteration construction. All Board members shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Castroville.
- b. Terms. Board members shall serve for staggered terms of two (2) years ending on October 31. Commission members shall serve for staggered terms of two (2) years ending on October 31. ~~The City Council shall appoint the chairperson of the Commission.~~ The vice-chairperson shall be elected annually by the Commission members.
- c. Meetings. The Board shall meet once each month or as needed, with additional meetings upon call by the Board chairperson or upon petition of a simple majority of Board members. Three (3) members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code Chapter 551. The minutes of each meeting shall be filed in the office of the City Secretary.

4. photographs of all elevations of the structure or property and details pertaining to the proposed work;
5. detailed description of the proposed work;
6. elevation drawings of the proposed changes, if applicable
7. samples of, or appropriate information concerning materials to be used;
8. rationale for why the proposed change is compatible with designation as a historic landmark of property within a historic district;
9. any other information which the Board or staff deems reasonably necessary to visualize and evaluate the proposed work;
10. signature of the owner and date verifying that the application is complete and correct.

The Building Official shall review the submitted application and all documents and determine if additional information is required. The Historic Preservation Officer must submit an opinion memo. Upon receiving all information necessary to constitute a completed application, the Building Official shall forward the application to the Board.

Review Process

Within 60 days after a completed application is filed, the Design Review Board shall conduct a public hearing and shall approve, deny with prejudice, or deny without prejudice with application. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. Applicants may appear before the Design Review Board in person or by agent and shall furnish the commission all plans, specifications, drawings, renderings, and designs necessary for the commission to render a final decision. Notices of all public hearing shall be in accordance with Chapter 211 of the Texas Local Government Code.

The Building Official shall notify the applicant of the Board's action within ten (10) days of the decision. The Board's decision must be in writing and must contain the findings for the decision.

Standard for Approval and Issuance

- a. Standard for approval. The Board shall approve the application if it determines that:
 1. the proposed work is consistent with the applicable design considerations of building height; scale, orientation, spacing, placement of the building on site, façade proportions, window and door patterns, size, shape and proportions of wall openings, projections, materials, textures and colors, roof forms, horizontal, vertical or non-directional emphasis, landscaping, lighting, walls/fences and parking;

No change shall be made in the application for any building permit after issuance of a Certificate of Appropriateness without resubmittal to the Board and approval thereof in the same manner as provided in this section.

Appeal

If the Board has denied the Certificate of Appropriateness, the applicant may file in writing a notice of appeal to the Planning and Zoning Commission within ten (10) business days after receiving notice from the Building Official. The Building Official shall place the appeal on the Planning and Zoning Commission agenda for a hearing, and the applicant shall be notified of the date of the hearing. In considering an appeal, the sole issue before the Planning and Zoning Commission is whether the Design Review Board erred in its decision. The Planning and Zoning Commission shall consider the same standards and evidence that the Design Review Board was required to consider in make the decision.

Reapplication

If a final decision is reached by the Board denying a certificate of appropriateness, no further applications will be accepted for the subject matter for the denied certificate of appropriates for one year from the date of final decision unless the Board waives the time limit because upon the written request of the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the Board.

Section Five. Demolition

Demolition or removal of a commercial structure constitutes an irreplaceable loss to the quality of and character of the city. Therefore, demolition or removal of structures should be allowed only for the reasons described in this subsection.

Application. A demolition permit for a commercial structure shall not be issued by the Building Department until review and issuance of a complete certificate of appropriateness application by the Board. The Building Official shall not forward the application to the commission until it is complete.

Review Process

Within 60 days after a complete application is filed, the Design Review Board shall conduct a public hearing and shall approve, deny with prejudice, or deny without Design Review Board prejudice the application. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. Notices of all public hearing shall be in accordance with Chapter 211 of the Texas Local Government Code.

Section Eight. Severability

It is the intention of the City Council that this ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section Nine. Savings Clause

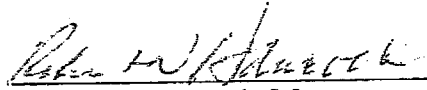
The repeal of any Ordinance or part of Ordinances affectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section Ten. Effective Date

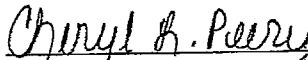
This Ordinance shall become effective from and after its passage and publication as required by law.

PASSED AND APPROVED THIS 14th DAY OF MARCH, 2005.

(City Seal)


Robert N. Hancock, Mayor

ATTEST:


Cheryl Peery, City Secretary