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Memorandum

To: Scott Dixon, City Administrator

From: Denton, Navarro, Rodriguez, Bernal, Santee, & Zech, P.C.

Issued By: T. Daniel Santee, Partner and Amanda Padilla, Principal Planner

Date: February 21, 2025

Subject: Summary of the Creation of the Historic District and Regulations

BACKGROUND AND HISTORY

The firm has reviewed a list of ordinances provided by City Staff, as detailed in the attached Excel spreadsheet, to help determine the creation of the City of Castroville's Historic District and regulations.

In 1969, the Texas Historical Commission completed a Historic Survey identifying 96 properties that they classified as contributing properties, structures that physically or historically contribute to the significance of the Historic District.

In 1975, the City passed Ordinance No. 107, a Comprehensive Zoning Ordinance (commonly referred to by the City as the CZO), which established the Historic District, consisting of a majority of the 96 properties from the 1969 survey, as well as other properties. The Ordinance adopted the 1975 Historic District Map, as indicated in Article I, section 17(4) and (6), Section 18, and in Article IV, Section 2(1) and (14). Within Ordinance 107, the Historic District classified properties as contributing and noncontributing. Changes to significant buildings *contributing* to the historic district required review by the Historic Review Board. Changes to buildings that are *noncontributing*, i.e., those buildings not within the 1969 Survey that do not contribute to the districts significance only required review by the Building Official in the same manner as those permits outside of the Historic District.

The Historic Review Board and the district regulations were implemented throughout the ordinance, specifically in the following sections:

- Article II, Section 1: Permitted uses within the district;
- Article III, Section 1: Development standards within the historical district, including height, yard, lot width, and lot depth regulations;

- Article IV, Section 2: Special Historical District Regulations, which covered the creation of the Historic Review Board, referenced the 1969 Survey and contributing buildings, outlined board procedures, and specified processes for development in the district; and
- Article IV, Section 3: Special Commercial Districts, which covered the requirements for buildings within the Historic Central Business District and established that any contributing building in this district had to follow the same procedures outlined in Article IV, Section 2.

On July 28, 2003, Ordinance No. 2003-019 was adopted, establishing a new Historic District ordinance and repealing Article IV, section 2. This ordinance introduced new requirements for properties within the Historic District (HE) and removed the distinction between contributing and noncontributing properties when applying requirements. As a result, all buildings within the HE district were required to be reviewed by the Historic Landmark Commission. The ordinance did not appear to affect the Historical Central Business District within Section 3, which only required contributing buildings to follow section 2 requirements. Additionally, the ordinance dissolved the Historic Review Board, replacing it with the Historic Landmark Commission, and established a Certificate of Appropriateness permit requirement and procedure.

In 2004, Staff proposed to amend the historic district ordinance. It aimed to rename the board, expand membership from five to seven members, and replace references to the 1969 historic survey with the new Texas Historical Commission 2001 survey. This would have expanded the number of contributing properties. However, there has been no evidence that the city took action to approve this ordinance.

In 2017, the city passed Ordinance No. 2017-004, repealing Sections 2 and 3 of Article IV of the CZO to recodify them into Chapters 23, 59, and Section 22-3 of the Code of Ordinances. However, rather than simply transferring the exact verbiage and requirements, it appears that changes were made to those sections before they were incorporated into the CZO, meaning it was not a straightforward recodification.

On November 29th, 2016, Ordinances 2017-005 and 2017-006 were passed. Ordinance 2017-005 recodified Chapter 23, Landmark Commission, into the CZO as Article IV, Sections 2A and 2B, and adopted new design guidelines. Similarly, Ordinance 2017-006 recodified Chapter 59, Historic Preservation, and Section 22-3, Castroville Design Criteria for Commercial Buildings Located in the Commercial Districts Along US Highway 90, as Article IV, Sections 3A and 3B and adopted new design guidelines. Both ordinances referenced “certain substantive amendments” (Section 2A for Ordinance 2017-005 and Section 3A for Ordinance 2017-006); however, it is unclear what those amendments were, as neither ordinance includes redlined changes.

The current Comprehensive Zoning Ordinance continues to reference the two historic districts: the H-E Historic District and the C-G (Historic) Central Business District and regulations implemented in 2016.

These districts are shown on the City's official zoning map on their website. The firm has not conducted a thorough comparison of the 1975 Zoning Map and the current zoning map to verify the accuracy of the boundaries.

CONCLUSION

Based on the firm's review, the ordinances and regulations governing the Historic District appear to have been properly adopted and remain enforceable. Any amendments to these regulations must be approved by the City Council through the proper procedures outlined within your city code. I have heard members of the public and the city council mention that the people never voted on this matter and should have an opportunity to do so, however, that is not an option available to a general law municipality. Castroville lacks the power of initiative or referendum.

FUTURE RECOMMENDATIONS

Historic District Naming: Rename the Historic District zoning overlay from "H-E" to align with the required "H" designation on the official zoning map. The "H" designation was established through the adoption of Ordinance No.2017-005 on November 29th, 2016. There have been some assertions that because that was not done when the ordinance was adopted, then there are no districts, but this is not an accurate statement. Such an outcome would deprive the community of legally adopted land use regulations due to a clerical oversight after the fact. Additionally, there was no dispute as to which properties on the map the new designation, the dropping of the E from H-E would apply.

Zoning Map Verification: Conduct a thorough review of the zoning map to ensure that all properties added or removed from the Historic District have been accurately reflected. This should happen as a matter of practice with each zoning case, and perhaps it has; however, on its surface it appears that some properties have removed themselves from the H-E zoning but remain on the map and vice versa for some that perhaps have been added. A closer look must be taken to see where corrections need to be made for accuracy prior to the completion of the current city-wide zoning.

City Council Consideration: The City Council should formally deliberate on whether to reconsider the boundaries, regulations, or overall designation of the Historic District. The division and disagreement over how the city has gotten to this point and what can be done about bears further discussion and deliberation between the City Council and those properties affected. Our findings are that these existing regulations were legally adopted and are legally enforceable. Just because they are, doesn't mean they must remain in their current form without amendment. Any City Code is a living document subject to amendment by each City Council. If the consensus is that there was not a clear description or understanding of what was adopted in 2016, then by all means the matter should be re-considered, discussed, deliberated and if needed, amended. But it is our opinion that such would need to be done following the processes adopted in 2016 and elsewhere in the City Code.

