

# Comprehensive Zoning Ordinance

## *Historic Preservation Code and Design Guideline Review*

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Breana,

Thank you for allowing me to give my feedback on the most recent, 2022 Comprehensive Zoning Ordinance (CZO), pertaining to items related to historic preservation. The purpose of this memorandum is to present considerations to the current code and Design Guidelines in order to help improve the proposed Unified Development Code that is currently being written by Simplectiy.Design. My findings and recommendations are as follows:

### CONSIDERATIONS

1. Currently Castroville's historic districts are codified through zoning (see CZO Amendment 2006 and CZO Amendment 2017). The historic districts consist of parcels that fall within the HE (*Historical District*) and CG (*Historic Central Business District*) districts. Typically, historic districts are created via overlays. Overlays are a zoning tool used to add additional regulations and standards to a base zone. Overlays can help protect the character of an area. They do not affect the uses allowed or prohibited on a property. The downfall of using base zoning to define historic districts is that if a property owner wants to rezone their property to something other than HE or CG, and if approved through the proper channels, the historic property can lose its historic preservation protection. *It is recommended that historic districts be defined through overlays, atop base zoning, in the new UDO. This will allow for changes to base zoning while maintain the definition of the historic districts.*
2. Because Castroville's historic districts are codified through zoning, from my interpretation, the historic district boundaries can easily be altered through a simple zoning change. District boundaries are typically defined by streets, alleys, and property lines (CZO, Article I, Section 19). Article VIII, Section 3, of Castroville's CZO states:

The City Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement or change, the City Council shall submit the same to the City Planning and Zoning Commission for its recommendation and report.

Of course, zoning changes must comply with a city's comprehensive plan (*Local Government Code, Title 7, Subtitle A, Subchapter A, Sec. 211.004*).



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Most of the future land use plan, shown in Castroville's most recent 2016 Comprehensive/Master Plan (<https://www.castrovilletx.gov/2475/Comprehensive-Plan>) are shown as single-family land uses for HE zones and institutional, commercial/mixed use, and parks open space for CG zones, however it is recommended that city staff consults with the City Attorney in order to determine if the proposed zoning change process complies with Castroville's Comprehensive/Master Plan in the case that a property owner wants to be added or taken out of a historic district, or any district in that matter.

3. In the CZO, Article IV, Section 2(A)(II)(5), the code defines a contributing structure as:

A structure that physically or historically contributes to the significance of a historic district.

Again, typically historic districts are created through overlays. Properties within these historic overlay districts have similar characteristics and meet a certain criterion, usually two or more, such as:

- History, heritage, and culture
- Historic context
- Significant persons
- Architecture
- Architect or master builder
- Unique visual features
- Archeological
- National and state recognition
- Historic education

Because Castroville's historic districts are codified through zoning, there may be properties that meet this criterion, but have been left out of the historic district zoning boundaries. There are also properties that are within the historic district zoning boundaries, specifically on the edges, and do not meet this criterion. Although the zoning district characteristics are defined in the CZO, Article I, Section 17(4) and (6), it is recommended that properties within these zoned historic district boundaries be surveyed to determine if they are contributing or non-contributing structures. This is most likely a future and separate project for the city, since the historic districts take up a large geographical area of Castroville and could be done after new UDO is adopted.

4. Currently the CZO has a process for creating new historic districts but does not state the process to amend or re-evaluate historic district boundaries. It is recommended that a section be written to address the process to amend existing historic boundaries, with guidance from the Texas Historic Commission.

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5. In the CZO, Article I, Section 8(43), the code refers to the Historic Landmark Commission (HLC) as the Historical District Board. This is the only instance in where the HLC is referred by this name, which is an older name given to the HLC. *It is recommended that the Historical District Board be changed to Historic Landmark Commission since that is the current name of the commission and is referred to this way in the rest of the code.*

6. In the CZO, Article II, Section 1, there is a misprint in the legend. The black box and the white box have the same description:

Designates use permitted in district indicated.

This causes confusion on what is permitted and not-permitted in, not only historic districts, but all zoning districts. *It is recommended that the legend be updated to symbolize what is NOT permitted vs what IS permitted.*

7. In the CZO, Article IV, Section 2(A) "alterations" and "material changes" are similar with overlapping definitions. However, they are used differently throughout the code, which can be confusing.

Alteration – any construction or change to the exterior of a building, site, or structure

Examples: changing to a different type, style, or size of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutter, fences, railings, porches, columns, balconies, walls, steps, signs, or other ornamentation; the changing of paint color; dismantling, removing, or moving of any exterior features or demolition

Material changes – in exterior elements visible from a public right-of-way which affect the appearance or compatibility of any structure or property

Examples: doors, roofs, windows, stonework, woodwork, light fixtures, signs, sidewalks, fences, steps, and paving

- A. *It is recommended that one or the other term be used, preferably alteration, to be consistent with the Texas Historic Commission terminology.* This eliminates the review authority of the HPO (see CZO, Article IV, Section 2(A)(II)(22)(a)(ii), but alterations would still be subject to HLC review.

8. In the CZO, Article IV, Section 2(A)(II)(7) "Design Guidelines" are defined as:

Guidelines which are adopted by the Historic Landmark Commission and guide property owners or residents to appropriate treatments to property designated as a historic landmark or within a landmark district.

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- A. Because there are other "design guidelines" such as the Design Guidelines for Commercial Districts, also referred to design criteria, Building design guidelines, Landscaping design guidelines, and Highway 90 design guidelines, it is recommended that the term "Design Guidelines" be changed to "Overlay Design Guidelines for Historic Properties" as titled in Exhibit B of the CZO, Article IV, Section 2B.
  - B. It is recommended that the language be consistent throughout the code referring to which designated areas the Overlay Design Guidelines for Historic Properties apply to. Per CZO, Article IV, Section 2(A)(X)(B)(2), the guidelines apply to the historic landmarks and historic districts.
9. There are 3 terms that are used interchangeably: Historic District, Historic Overlay Zone, and Historic Landmark in the CZO, Article IV, Section 2(A)(II). Although Historic District and Historic Overlay Zone are accurately used, Historic Landmark is not. The code states:
- Historic landmark also referred to as a historic overlay zone, means a building, structure or site which satisfies two or more of the criteria set out in CZO, Article IV, Section 2, Subsection A (V) and which is designated as such in accordance with that section.

A landmark is typically a stand alone building or site, whereas an overlay zone is a district with multiple buildings or sites that often contain groups of landmarks. It is recommended that the definition for Historic Landmark be updated.

10. In CZO, Article IV, Section 2(A)(VI)(1), the code states:

The Letter "H" shall indicate the historic zoning overlay designation of those historic landmarks and districts which the City Council has designated. Such designation shall be in addition to any other zoning district designation established in the Comprehensive Zoning Ordinance. All zoning district maps shall reflect the designation of historic landmarks and/or districts by the letter "H".

Currently, the zoning district map

<https://castrovilletx.gov/DocumentCenter/View/1201/Zoning-District-Map-PDF> and GIS maps

<https://gissolutions.half.com/portal/apps/sites/#/castroville/apps/2d20f05f53ac42c7b9f0e4b6e53ce0b8/explore> do not show an "H" on the current historic districts or landmarks. This may cause confusion to property owners on which sites are within the historic districts. It is recommended that the zoning maps be updated to be consistent with the CZO language.

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11. In CZO, Article IV, Section 2(A)(VI)(2), the code states:

Historic landmark and district applications and/or requests may be initiated by the owner of the property(s) or his/her authorized representative, or the City Council, Historic Landmark Commission or Planning and Zoning Commission may direct the Historic Preservation Officer to initiate such a request on behalf of the city.

To my knowledge, there is no historic landmark and district application. *It is recommended that this be created in order to abide by the current code.*

12. The HLC currently has powers to move forward with a demolition by neglect procedure to save historic properties that are at risk of deterioration that can be fatal to the property or structure (CZO, Article IV, Section 2(A)(IX)). However, the city may not have any resources that would help the property owner to improve their property. *It is recommended that such resources are obtained with the help of the THC in order to properly preserve such properties within the historic districts.*

13. The Overlay Design Guidelines for Historic Properties is a great resource that property owners within historic districts can use to determine what alterations, additions, demolition and new construction is acceptable and recommended, however this document was written almost 10 years ago and does not include modern trends that exist in 2024. *It is recommended that this document be updated to include contemporary practices and guidelines* for items such as:

- a. The incorporation of passive systems on historic properties (solar panels, rain water harvesting systems, etc.)
- b. The use of recycled materials
- c. The preservation of heritage trees

14. According to the CZO, Article V, Section 2(3), the CG zoning district is exempt from the following:

- a. Section 3: Off-Street Parking – Design and Construction Standards, J. Landscaping
- b. Section 8: Off-Street Loading Requirements for Non-Residential Properties

The intention may be to not require parking for these properties, however, this also unintentionally exempts properties in the CG zoning district from complying with design and landscaping requirements. *It is recommended that regulations be developed for parking lots which incorporate landscaping that is compatible with the historic district.*

15. It is recommended that the new UDO keeps the Table of Requirements found in the CZO, Article III, Section 1, showing height, yard, lot area width, and lot depth regulations within the historic districts, or something similar to this. This can also be added in the “Historic Preservation” section of the code.

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16. It is recommended that the language in CZO, Article IV, Section 2(A)(III)(7) be kept to eliminate confusion between historic districts and a historic overlay zone.
17. It is recommended that the language in CZO, Article IV, Section 2(A)(VII)(2) be kept to eliminate work on city staff and streamline the process for requests regarding routine maintenance.

If you have any other questions in regards to the information above, or have additional questions, please feel free to reach out.

As stated, these are my recommendations and should be reviewed by the City Attorney to confirm that these recommended changes are feasible.

Thank you again for allowing me to give my feedback and please reach out if you have any questions!

A handwritten signature in blue ink that reads "Selina Angel". The signature is fluid and cursive, with the first name "Selina" and the last name "Angel" clearly distinguishable.

Selina Angel | City of Castroville Historic Preservation Officer | Work5hop