

FILED
At 4:55 o'clock P.M.

MAY 28 1982

CITY SECRETARY
City of San Marcos

ORDINANCE 1982-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING ARTICLE IV OF CHAPTER TWO OF THE CODE OF ORDINANCES OF SAID CITY TO DESIGNATE A PORTION OF SAN ANTONIO STREET OF SAID CITY AS A HISTORICAL DISTRICT; PROVIDING PROCEDURES FOR THE ISSUANCE OF BUILDING PERMITS AND ESTABLISHING A BOARD OF REVIEW CONTROLLING THE DEMOLITION OF STRUCTURES WITHIN SAID DISTRICT; ESTABLISHING STANDARDS AND GUIDELINES; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of San Marcos has a history and a heritage unique and different from any other city in Texas; and,

WHEREAS, the City Council has a responsibility to protect and preserve such heritage for future generations; and,

WHEREAS, the City Council recognizes that the City of San Marcos has been particularly fortunate, not only in the natural beauty of the site of the City, but also in the number of existing houses and other buildings on San Antonio Street which reflect the varied historical, architectural and cultural inheritance of this City; and,

WHEREAS, it is also recognized that the preservation of such landmarks as testimonials to the rich historical inheritance of the City is desirable not only for the benefit of San Marcos, Hays County, and Texas citizens, but for the attraction of tourists with the attendant economic benefits; and,

WHEREAS, it is further recognized that rapid change in population, economic functions, and land use activities has led and is leading to the increased demolition of such landmarks in all parts of the City so that the City, the County, the State and the Nation are thereby impoverished; and,

WHEREAS, San Antonio Street is the oldest street in San Marcos, the first street to be named in the original town of San Marcos and a part of one of the earliest travelled roads across Texas; and,

WHEREAS, a great many of the gracious old homes that were constructed during the early years of San Marcos still stand on San Antonio Street; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. That Article IV of Chapter 2 of the Code of Ordinances, City of San Marcos, Texas, is hereby amended to read as follows:

ARTICLE IV. HISTORICAL DISTRICTS

Sec. 2-53. Purpose.

The purpose of this ordinance is to promote the educational, cultural and economic welfare of the public of San Marcos by preserving and protecting historic structures, streets and neighborhoods which serve as visible reminders of the history and cultural heritage of the City of San Marcos, the State of Texas, and the United States. Furthermore, it is the purpose of this ordinance to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new buildings and developments that will be harmonious with the existing historic buildings and squares.

Sec. 2-54. There are hereby established the following historical districts within the corporate limits of the City:

- A. The boundaries of the Belvin Street Historical District shall be as set forth in Exhibit "A" attached hereto.
- B. The boundaries of the San Antonio Street Historical District shall be as set forth in Exhibit "B" attached hereto.

Sec. 2-55. Procedure for Issuance of Building Permits:

- A. General: No house or other building within the Belvin Street Historical District or the San Antonio Street Historical District may be erected, demolished or removed in whole or in part, nor may the exterior architectural character of such a structure be materially changed by additions, reconstruction, alteration, or maintenance until after a Certificate of Appropriateness has been granted by the Board of Review. No building permit for any such erection, demolition, removal, additions, reconstruction, alteration, or maintenance shall be issued by the City of San Marcos for any house or other building within said Districts unless and until such Certificate of Appropriateness has been granted by the Board of Review.
- B. Exemptions: Ordinary repair or maintenance which does not involve changes in architectural or historical value, style, or general design is exempt from the provisions of this section.
- C. Appeal: Any applicant or interested person aggrieved by a ruling of the Board of Review under the provisions of this section may, within thirty (30) days after the ruling, appeal to the City Council.

Sec. 2-56. Board of Review

A Board of Review is hereby established and shall serve without pay. Such board shall consist of five (5) persons, appointed by the City Council from the following sources:

- A. One member shall also be a member of the San Marcos Planning and Zoning Commission.
- B. One member shall be from the architecture or design field of expertise.
- C. One member shall be a citizen of San Marcos who has demonstrated an interest in the history of San Marcos.
- D. Two members shall be property owners within the Belvin Street Historical District and/or San Antonio Street Historical District.

Sec. 2-57. Terms of Office.

The terms of all members shall be four (4) years. Terms shall expire on the date of the first regular city council meeting in January four (4) years after

appointment. No member shall serve more than two (2) successive four-year terms. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

Sec. 2-58. Meetings.

The Board shall elect from its membership a Chairman who shall serve for a term of one year and who shall be eligible for re-election. The Chairman shall preside over the Board and shall have the right to vote. The Board shall meet at such times as it may determine, or upon call of the Chairman thereof; provided, however, that upon the filing of an application for a Certificate of Appropriateness in the District, the Board shall meet within 15 days from the date of filing of such application and shall take action thereon within 30 days after the date of filing of such application. If action thereon is not taken within 30 days after the date of filing of such application it shall be deemed to have been recommended for approval and a certificate showing the filing date and the failure to take action on the application within 30 days shall be issued by the Board on demand. A majority of members, appointed pursuant to Section 4 of this ordinance, shall constitute a quorum.

Sec. 2-59. Demolition.

Whenever a property owner applies for a Certificate of Appropriateness for the demolition of a house or other building within the District, and the Board of Review fails to approve the issuance of a Certificate of Appropriateness, such house or building may be demolished, provided however, that before a demolition permit is issued, notice of proposed demolition shall be given for a period of six months. Such notice shall be posted on the premises of the house or other building proposed for demolition in a location clearly visible from the street. The purpose of this section is to further the purposes of this ordinance by preserving historic buildings which are important to the education, culture, traditions, general welfare, and the economic values of the City, and to afford the City, interested persons, and/or historical societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. The Board of Review may at any time during such stay approve a Certificate of Appropriateness in which event a permit shall be issued without further delay.

Sec. 2-60. Standards and guidelines.

New construction and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired, or changed in color shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, that these guidelines shall apply only to those exterior portions of buildings visible from either Belvin Street or San Antonio Street.

- A. Height. The height of a proposed building shall be visually compatible with adjacent buildings.
- B. Proportion of Building's Front Facade. The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.

- C. Proportion of Openings within the Facility. The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
- D. Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
- E. Rhythm of Spacing of Buildings on Streets. The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
- F. Rhythm of Entrance and/or Porch Projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
- G. Relationship of Materials, Texture, and Color. The relationship of the materials, texture, and color of the facade of a building shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
- H. Roof Shapes. The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
- I. Walls of Continuity. Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
- J. Scale of a Building. The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches, and balconies shall be visually compatible with the other buildings to which it is visually related.
- K. Directional Expression of Front Elevation. A building shall be visually compatible with the other buildings to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

Sec. 2-61. Penalty for Violation.

- A. Violation. It shall be unlawful to erect, demolish or remove in whole or in part any house or other building in the Belvin Street Historical District or in the San Antonio Street Historical District in violation of the provisions of this Ordinance. It shall also be unlawful to change materially by additions, reconstruction, alteration, or maintenance the exterior architectural character of any house or other building in the Belvin Street Historical District or in the San Antonio Street Historical District in violation of the provisions of this Ordinance. The Director of Public Works for the

City or his/her duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent any such unlawful erection, demolition, removal, addition, reconstruction, alteration, or maintenance, to restrain, correct, or abate such violation, or to prevent any illegal act, conduct, business, or maintenance in and about such premises.

- B. Penalty. Any person, firm, or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each day or portion thereof during which any violation hereof is committed, continues, or is permitted, and upon conviction of any such violation shall be punished by a fine not to exceed two hundred dollars (\$200.00).

Sec. 2-62. Severability.

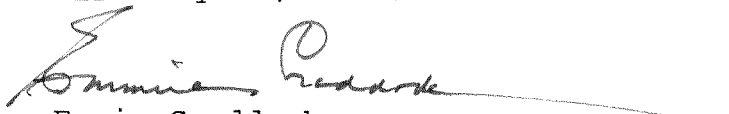
If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 2. That this Ordinance shall be in effect ten days from and after its passage and publication in a newspaper of general circulation in the area.


PASSED AND APPROVED on first reading June 14, 1982.

PASSED AND APPROVED on second reading June 28, 1982.


PASSED, APPROVED AND ADOPTED July 12, 1982.


Emmie Craddock
Mayor

Attest:


Janis K. Womack
City Secretary

Approved:


Barbara Jean Edwards
City Attorney

Published in the DAILY RECORD July 14, 1982.

DRAWING IS TOO LONG TO SCAN

EXHIBIT A

BURLESON/BELVIN STREET HISTORICAL
DISTRICT BOUNDRIES DRAWING

CAN BE SEEN
IN THE CITY CLERK'S OFFICE
IN VOLUME 59
IN THE JULY 12, 1982 MEETING

DRAWING IS TOO LONG TO SCAN

EXHIBIT B

SAN ANTONIO STREET HISTORICAL
DISTRICT BOUNDRIES DRAWING

CAN BE SEEN
IN THE CITY CLERK'S OFFICE
IN VOLUME 59
IN THE JULY 12, 1982 MEETING