

**CITY OF BEEVILLE
ORDINANCE NO. 2133**

AN ORDINANCE OF THE CITY OF BEEVILLE, TEXAS, ESTABLISHING MINIMUM STANDARDS AND REGULATIONS FOR THE PRESERVATION OF ALL STRUCTURES AND PROPERTY LOCATED WITHIN THE DOWNTOWN TAX INCREMENT FINANCE ZONE; PROVIDING FOR MAINTENANCE, ESTABLISHING INSPECTION AND ENFORCEMENT PROCEDURES; PROVIDING FOR INSPECTION, IDENTIFICATION, NOTIFICATION AND ABATEMENT OF VIOLATIONS; PROVIDING FOR APPEALS, RECOVERY OF COSTS AND REPEALING ALL PRIOR ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF BEEVILLE, TEXAS:

Section 1: The City of Beeville, Texas (herein after called the "City") hereby recognizes the importance of the historic fabric in Downtown Beeville,

Section 2: The City's unique qualities have proven to be increasingly attractive to residents, businesses, and tourists. This is most evident in the downtown area.

Section 3: As a matter of public policy, the City desires to preserve those aspects of the downtown area that have historical, cultural, or architectural merit. Such preservation activities will promote the health, safety, prosperity, education, and general welfare of the people living in and visiting Beeville.

Section 4: This historic preservation ordinance is intended to achieve the following policy goals:

- A. Protect, enhance, and perpetuate downtown Historic Landmarks which represent or reflect distinctive and important elements of the City's and State's architectural, landscape architectural, archeological, cultural, social, economic, ethnic and political history, and to develop an appropriate setting for such places.**
- B. Safeguard the downtown's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations;**
- C. Stabilize and improve property values in the downtown area;**
- D. Foster civic and cultural pride in the beauty and accomplishments of the past;**
- E. Protect and enhance downtown attractions to tourists and visitors and provide incidental support and stimulus to business and industry;**
- F. Strengthen the economy of the City;**
- G. Promote the use of Historic Landmarks and Historic Places for the culture, prosperity, education, and general welfare of the people of the City and visitors to the City; and**
- H. Provide a review process for the continued preservation and appropriate development of the City's historic resources.**

Section 5: Definitions

- A. Appurtenance. A feature related to a parcel of land or to a building, structure, object, site, or a related group thereof. The term includes, but is not limited to, buildings, structures, objects, sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, and signs.
- B. Certificate of Appropriateness. A document evidencing the approval of the Main Street Design Committee and Main Street Advisory Board, signed and dated by the Chairman of the Main Street Advisory Board, for the installation, construction, alteration, change, restoration, removal, or demolition of any Exterior Architectural Feature Resource or other significant appurtenance of any Historic Landmark or of any building or structure located within the Downtown District to be issued in cases further defined in this ordinance, where approval for the same is required.
- C. Certificate of Review. A document signed and dated by the Chairman of the Main Street Advisory Board evidencing that the proposed changes, improvements or construction to property located in the Downtown District or at or on a Historic Landmark have been reviewed by the Board; to be issued in cases further defined in this ordinance, where review is required.
- D. Design Guidelines for the City of Beeville's Downtown District. Written guidelines adopted by the Main Street Advisory Board in 2006, as a reference and guide to provide information on appropriate methods for rehabilitation or restoration of historic resources.
- E. Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
- F. Exterior Architectural Feature. The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Exterior Architectural Features shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure.
- G. Beeville Historic Resource Survey. A comprehensive architectural survey of all properties within the City's Downtown District and adjoining areas, as created in 2006; future amendments to the same shall be automatically included herein.
- H. Downtown District. An area of the City designated by the City Council as the Tax Increment Finance Zone by Ordinance #1571, as having definable geographic boundaries, a significant concentration, linkage, or continuity of sites, buildings, or structures united historically or aesthetically by plan, appearance, or physical development. The designation "Downtown District" recognizes that the component historic buildings, structures, accessory buildings, fences, or other appurtenances of the district are of basic and vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.
- I. Historic Landmark. An individual property designated by the City Council as having outstanding historical and cultural significance in the nation, region, or community. The designation "Historic Landmark" recognizes that the historic place, or the building(s), structure(s), accessory building(s), fences, or other appurtenances at the place are of basic and vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.

- J. **Ordinary Repairs or Maintenance.** Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage and by using where possible, original material.
- L. **Resource.** A landmark, landmark site, and all land or water within a preservation district, together with the appurtenances and improvements, if any. The term resource includes, but is not limited to, separate districts, buildings, structures, sites, objects, landscape features, and related groups thereof.
- M. **The Secretary of the Interior's Standards for Rehabilitation.** A set of ten basic philosophical principles created by the U.S. Secretary of the Interior and administered by the National Park Service, to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. The Standards for Rehabilitation are codified at 36 CFR 67 of the Code of Federal Regulations, as the same ~~may be amended from time to time.~~

- N. **The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.** Basic philosophical principles (Standards) and recommended actions and approaches (Guidelines) developed by the U.S. Secretary of the Interior, for each of the four primary treatment options for historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction. The Guidelines are meant to establish a model process to follow when planning for treatment, providing technical and design recommendations within a consistent philosophical context.
- O. **Unreasonable Economic Hardship.** The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a resource as required by the United States Supreme Court in *Penn Central Transportation Company vs. New York City*, 438 U.S. 104 (1978), and subsequent decisions.

Section 6: Review Board

- A. **Creation of Board.** There is hereby added to the duties of the Main Street Advisory Board of the City of Beeville, Texas, hereinafter called the "Board," consisting of nine (9) members appointed by the City Council. The Main Street Advisory Board will herein be referred to as the "Board," in accordance with the further provisions hereof.
- B. **By-laws-** The By-laws of the Main Street Advisory Board shall govern terms, qualifications, composition and meeting procedures. The Building Official shall attend all Board meetings in which certificates are considered.
- C. **Functions of the Board.** The Board shall review all applications proposing alterations, changes, construction, demolition, or relocation within the Downtown Preservation District and Historic Landmarks. For this function, they will act in two (2) capacities:

The Board shall grant or deny Certificates of Appropriateness. The Board shall additionally serve in an advisory capacity in granting Certificates of Review regarding other conditions or alterations.

The Board shall make an annual report to the City Council on the state of historic preservation in the City and shall include in the report a summary of its activities for the past year and a proposed program for the next year.

The Board shall have the further responsibility of recommending to the City Council, Planning and Zoning Commission, and City departments the adoption of policies, the source of funds, and designation of Historic Districts and Historic Landmarks that may further the City's preservation effort.

- D. The Board shall otherwise determine its own rules of procedure except as may be specifically set forth in this ordinance.

Section 7: Designation of The Downtown Preservation District

- A. **Boundaries:** The Downtown District shall be defined by the boundaries of the previously enacted Tax Increment Finance Zone, Beeville, Bee County, Texas. The District shall encompass the area shown on the attached map.

~~B. At the discretion of the city council, the area may be altered or expanded as needed. Additional districts may be established and governed by this ordinance.~~

- C. **Downtown Preservation District Criteria:** In making the designation of an area as a Preservation District, the City Council shall affirmatively find that the area has one (1) or more of the following characteristics:

- a. Character, interest, or value as a part of the development, heritage, or cultural characteristics of the City;
- b. Location as the site of a significant historical event;
- c. Embodiment of distinctive characteristics of an architectural type or specimen;
- d. Relationship to other distinctive buildings, sites, districts, or structures which are historically significant;
- e. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;
- f. Value as an aspect of community sentiment or public pride;
- g. Identification with a person or persons who significantly contributed to the development or culture of the City, the state or the nation;
- h. Value as protective of a historical resource.

D. Historic Landmarks

1. **Historic Landmark Designation.** The City Council may, from time to time, designate individual properties in the City as Historic Landmarks. Each such place shall bear the words "Historic Landmark" (HL) in its zoning designation. Such designation shall indicate that such property is subject to the terms of this ordinance, however, with regard to site plans, uses, setbacks and other development and/or building regulations, such property shall be governed by its zoning district.

The designation of new Historic Landmarks or the removal of the designation may be initiated by any person by request submitted to the Board which will forward its recommendation to the City Council.

Section 8: Review Required by the Board - All Applications

No person or entity shall install, construct, reconstruct, alter, change, restore, remove, or demolish any structure or exterior architectural feature or other significant appurtenance of any Historic Landmark or of any building or structure located within the Downtown Preservation District unless and until such person or entity has completed review of his/her/its proposed changes by the Board,

Such review shall consist of the granting or denial of a Certificate of Appropriateness with regard to the subjects set forth below, as applicable, or a Certificate of Review with regard to all other types of alterations as set forth below. With regard to the subject matters thereof, obtaining a Certificate of Appropriateness is mandatory and compliance with its requirements is mandatory; the obtaining of a Certificate of Review is mandatory, however noncompliance with its recommendations will not result in enforcement of any penalties.

Section 9: Certificates of Appropriateness and Review - General

No exterior feature of any resource shall be altered, relocated, or demolished, nor shall any new structure be constructed in the Downtown Preservation District until after an application for a Certificate of Appropriateness and/or Review of such work has been issued by the Board. Additionally, a building permit may not be granted for a property in the Downtown Preservation District unless the Board issues the relevant certificate. A Certificate of Occupancy will not be granted until compliance with all Certificate of Appropriateness requirements are verified by the City Building Inspector. Therefore:

- A. The Board shall have the power to approve and deny applications for Certificates of Appropriateness and to issue Certificates of Review.
- B. In reviewing, approving and denying applications for Certificates, the Board shall seek to accomplish the purposes of this ordinance.
- C. No Certificate shall be required for work deemed, under the provisions of this chapter, to be ordinary maintenance or repair of any resource by the Board.
- D. All decisions of the Board shall be in writing and shall state the findings of the Board, its recommendations or requirements. The same may appear in the written minutes of the Board's meetings.
- E. Expiration of a Certificate. A Certificate shall expire twelve (12) months after its issuance.
- F. Resubmission of Applications. A Certificate of Appropriateness shall not be resubmitted for review sooner than twelve (12) months following its initial review unless it is submitted with a material change (as determined by the Chairman of the Board) with an additional fee.
- G. Multiple Certificates. Certificates of Appropriateness shall be issued for distinct and separate phases of an ongoing project.

Section 10: Certificates - Application and Procedure

- A. **Application.** The applicant shall submit to the Building Official a certificate application which includes data and information in writing which thoroughly describes the project as determined by the Building Official, including but not limited to the following:
1. Name of applicant and property owner.
 2. Mailing address of applicant and permanent address of property owner.
 3. Location of property to be altered, repaired, or constructed.
 4. A detailed description of the nature of the proposed external alteration or repair to be completed.
 5. A description of how the proposed change will be in character with the architectural or historical aspect of the structure or site.
 6. Any circumstances or conditions concerning the property or financial hardship which may affect compliance with the ordinance.
 7. The intended and desired starting date and completion date of the alterations to be made.
 8. Any drawings or photographs which would explain the proposed alteration.
 9. Color chips of the colors which will be used on the structure.
 10. Certification of Receipt of a copy of this ordinance and acknowledgment of its terms.
- B. **Completeness.** The applicant shall submit all required data and information to the Building Official, not less than fourteen (14) days prior to the next scheduled public meeting of the Board. The application shall not be accepted and processed until it is deemed complete by the Building Official, including sufficient description to adequately and completely convey the full effect of the work to be done.
- C. **Fee.** An administration fee will be assessed to the applicant reflecting the cost to the City for processing the application. The application will not be deemed complete, nor will it be processed until such fee is paid in full. Projects requiring both a Certificate of Appropriateness and a Certificate of Review for which the applications are submitted simultaneously shall require the payment of only one (1) fee.
- D. **Insignificant Alteration.** If the Building Official determines that the application involves ordinary repair or maintenance, alteration, change, restoration, color, or removal of any exterior architectural feature of a building or structure which does not involve significant changes in the architectural or historic value, style, general design or appearance, he/she may, within seven (7) days, approve the application and forward a copy of the approved application to the Chairman of the Board, or to the Vice Chairman of the Board if the Chairman is not available. The Chairman or Vice Chairman of the Board shall, within three (3) business days, either approve the Building Official's decision or call for a meeting of the Board to consider the application. If the Chairman or Vice Chairman of the Board does not take any action within three (3) business days, it shall be deemed that such person has approved the Building Official's decision to grant the Certificate of Appropriateness or Certificate of Review, as applicable.

The Design Guidelines for the City of Beeville's Downtown Preservation District, The Secretary of the Interior's Standards for Rehabilitation (attached as Appendix A to this Ordinance), and The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings will be used when assessing the application. These documents will be made available to the Public in the office of the City Secretary and/or Building Official of the City, on the City's website, and/or at the local public library.

- E. **Significant Alteration.** If the Building Official determines that the application involves an alteration, change, restoration, removal or demolition of an external architectural feature of a building or structure which involves a significant change in the architectural or historic value, style, general design, or appearance or for any other reason does not desire to act under Section D above; he/she shall refer the application to the Board and call for a meeting of the Board to consider the Certificate.

~~The Design Guidelines for the City of Beeville's Downtown Preservation District, The Secretary of the Interior's Standards for Rehabilitation (attached as Appendix A to this Ordinance), and The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings will be used when assessing the application. These documents will be made available to the Public in the office of the City Secretary and/or Building Official of the City or on the City's website.~~

- F. **Time for Approval.** The Board shall hold a meeting to consider the application within forty (40) days after the receipt of a completed application. The applicant shall be given written notice of the time and place of the meeting by regular mail to the address on the application and/or to property owners as the same appear on the records of the Bee County Appraisal District. Notice of the meeting and subject matter shall be posted in accordance with the Texas Open Meetings Act. The Board may hold any additional meetings within sixty (60) days following submission of a completed application as may be necessary to carry out its responsibilities under this article. The applicant or his/her agent, or representative, shall attend at least one (1) meeting of the Board during which his/her application is considered, otherwise the Board shall not take action, and the application will be deemed to be incomplete. The Board shall make its determination and report the same to the Building Official within sixty (60) days after receipt of a completed application unless the Board and the applicant mutually agree to extend the period of review. If action is not taken within sixty (60) days after receipt of a completed application, (except as to Demolition cases as set out below) it shall be deemed that the Board recommends approval of the application and it shall issue the requisite Certificate.

The Board shall forward its report and recommendation to the Building Official. Upon receipt of the report of the Board, the Building Official shall within three (3) days issue the Certificate to the applicant.

- G. **Special Time Period for Demolition.** Anything in this article to the contrary notwithstanding, the Board shall make its determination within one hundred twenty (120) days after receipt of a completed application for a permit to demolish a Historic Landmark or building within the Downtown Preservation District, or to move a Historic Landmark, or to move a building into or out of a Downtown Preservation District.

Section 11: Criteria for Approval of a Certificate of Appropriateness - Function of the Board

In determining the recommendation and action on an application for a Certificate of Appropriateness, the Building Official and Board shall review and decide the appropriateness of the proposed alterations of the following with regard to:

- A. Removal, Addition or Modification of Architectural Detail. The distinguishing historic qualities or character of a building, structure, or site and its environment shall not be destroyed. Removal or modification of any historic material or distinctive architectural features may be accomplished upon issue of Certificate of Appropriateness; however, this should be avoided when possible. Architectural features include but are not limited to exterior wall materials, windows, railings, decorative woodwork, masonry, or stone elements.
- B. Paint Color and Application. Traditionally, the base colors of Beeville's buildings have been soft muted shades of greens, blues, whites, and tans or original brick colors. In order to continue the historic integrity of the buildings in the district, these colors continue to be acceptable today, and do not require review or issuance of a certificate. The Building Official shall determine whether or not the proposed color is within the approved list of colors. Base colors such as vibrant or "hot" shades, dark deep shades, and black shades are not acceptable. ~~If one wishes to use these colors, a Certificate of Appropriateness must be granted in advance of paint application.~~ The painting of existing historic buildings composed of materials such as unpainted stone or unpainted masonry is prohibited.
- C. Scale of New Construction in Downtown Preservation Districts. The Board will review all new construction plans within the District in order to ensure visual compatibility with the surrounding buildings and environment in relation to height, gross volume, proportion, and setback.

Paint
Colors

The decision of the Building Official and Chairman in the case of insignificant alterations, or the decision of the Board in the case of significant alterations, with regard to the items described in this section and Section 12.209 are mandatory and must be met in order to receive a Certificate of Occupancy upon completion of construction (in the case of commercial properties). In the event the requirements of the Board are not met, the building permit shall be revoked. Notice of Revocation shall be delivered or mailed to the applicant by the Building Official or his or her designee to the address provided on the application. The Design Guidelines for the City of Beeville's Downtown Preservation District, The Secretary of the Interior's Standards for Rehabilitation (attached as Appendix A to this Ordinance), and The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings will be used to guide the decision.

Section 12: Criteria for Approval of a Certificate of Appropriateness - Demolition/Removal Criteria

In addition to the criteria specified in Section 12.208, the Board shall use the following additional criteria when reviewing and determining the recommendation and action on an application for a Certificate of Appropriateness with regard to demolition or removal of a Historic Landmark or a resource within the Downtown Preservation District:

In the case of a demolition application, the Board shall affirmatively find that:

- A. Reasonable measures could not be taken to adaptively reuse, rehabilitate, or restore the building or structure at its existing site; and
- B. Reasonable measures have been taken to relocate the resource to a new site first within the same property, secondly within the District (if applicable), or thirdly to an area that will be enhanced by the resource or where the goals of this ordinance will be furthered and that the same cannot reasonably be done; and

- C. The condition of the building or structure is such that it has been so altered or deteriorated that it has lost its value for promoting the goals of this ordinance, and is no longer significant, and in such event that the condition is not due to demolition by neglect or action of the owner or another related person or entity; or
- D. The estimated cost of restoration or repair is so excessive as to create an Unreasonable Economic Hardship (as defined above) for the owner, and in such event that the condition is not due to demolition by neglect;
- E. Plans for proposed new construction or other reuse of the property, and their effects on the historical, cultural, social, or architectural identity of the surrounding area will be positive and promote the goals of this ordinance.
- F. In the case of a removal application, the Board shall affirmatively find that:
 - 1. Reasonable measures could not be, taken to adaptively reuse, rehabilitate, or restore the building or structure at its existing site; and
 - 2. The resource is no longer significant to the area in which it is situated; and
 - 3. Reasonable measures have been taken to relocate the resource within the same property, and that the same cannot reasonably be done; and
 - 4. Reasonable measures have been taken to relocate the resource within the District (if applicable), or that it will be relocated to an area that will be enhanced by the resource and where the goals of this ordinance will be furthered; and
 - 5. Leaving the resource at its current location creates an Unreasonable Economic Hardship (as defined above) for the owner, and in such event that the condition is not due to demolition by neglect;
- G. In making the determination to permit demolition or removal of an historic resource, the Board may place reasonable conditions on the same even if such conditions are not related to the mandatory requirements of this ordinance, and to assure compliance with the plans approved by the Board. The same may include, but is not limited to, the requirement that all conditions be fulfilled prior to issuance of a building permit for the original resource's location.

Section 13: Criteria for Certificate of Review - Advisory Function of the Board

In addition to granting Certificates of Appropriateness, the Board shall review all applications and provide recommendations on additional issues. In determining the advice to be given for a Certificate of Review, the Building Official and the Historic Review Board shall review and consider the following matters:

- A. The effect of the proposed change on the general historic, cultural, and architectural nature of the District or Landmark.
- B. The appropriateness of exterior architectural features which can be seen from a public street, alley, or walkway.
- C. The general design, arrangement, texture, color, and material of the building, or structure, and the relation of such factors to similar features of buildings, or structures, in the district. This consideration shall not be the aesthetic appeal of the structure to the Board

nor the proposed remodeling, but rather its conformity to the general character of the particular historic area involved.

- D. Conformance of signage to the general historic, cultural, and architectural character of the District or Landmark.
- E. The effects of the proposed change to the value of the District or Landmark as an area of unique interest and character.
- F. The general and specific Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as issued by the Secretary of the Interior.
- G. The importance of finding a way to meet the current needs of the property owner and the importance of approving plans that will be economically reasonable for the property owner to carry out.

The Board shall conduct this review within the same time periods as for a Certificate of Appropriateness. Recommendations of the Board with regard to any issues not set forth in previous sections are not binding upon the applicant.

Section 14: Prevention of Demolition by Neglect

- A. Duty to Maintain. All Historic Landmarks and all significant buildings, objects, sites, and structures located in the Downtown Preservation District, shall be preserved against decay, deterioration, and kept free from certain structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof. Such owners, or other persons shall repair such building, object, site, or structure if it has any of the following defects:
 - 1. Deteriorated or inadequate foundations;
 - 2. Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;
 - 3. Members of walls or other vertical supports that split lean, list, or buckle due to defective material, workmanship, or deterioration;
 - 4. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
 - 5. Members of ceilings, roofs, and their support system, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration;
 - 6. Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;
 - 7. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;
 - 8. Deterioration or defects in paints, coating systems, or flashing resulting in destructive moisture penetration or rot;
 - 9. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

- B. **Determination of Neglect.** If the Board upon recommendation or presentation by the Building Official of the City or its designee makes a determination that a resource is being demolished or deteriorated by neglect, it shall direct the City Building Official to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of such notice to correct the defects or present to the Board a plan for remediation if the defect cannot be remedied within such thirty (30) day period.
- C. **Subsequent Determination.** If, within thirty (30) days after such initial determination, the Board shall again determine that the resource is being demolished or deteriorated by neglect, it may direct the City Building Official to file a complaint for a violation of a zoning ordinance of the City, against the owner or owners if the necessary repairs are not completed within ninety (90) days of the second determination by the Board that the ~~subject building or structure is being demolished or deteriorated by neglect.~~
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- D. **City Stabilization.** Additionally, the Historic Review Board may direct the City Building Official to accomplish the repairs necessary to stabilize and protect the resource. The City shall then pay therefore, and charge the expenses incurred in doing such work or having such work done or improvements made to the record owner of such resource. If such work is done or improvements made at the expense of the City, then such expenses shall be assessed as a lien on the real estate, lot or lots upon which such expense was incurred except as prohibited by law. The City, and the City's authorized assistants, employees, contracting agents, or other representatives, are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of completing repairs necessary for the stabilization and repair of a resource. Any court having jurisdiction over such cases including the Municipal Court of the City shall have authority to issue all orders necessary to enforce this article. Neither the City nor its employees, agents or contractors shall be answerable in damages or otherwise for damage to property due to the enforcement of this article.
- E. **Lien Establishment.** The City Manager or other person authorized to act on behalf of the City shall file a statement of such expenses incurred by filing the amount of such expenses, the date on which said work was done or improvements made, with the County Clerk of Bee County Texas. The City shall have a privileged lien on such lot or lots or real estate upon which said work was done or improvements made to secure the expenditures so made. Said lien amount shall bear interest per annum from the date said statement was filed at the greater of the maximum rate published by the State Board of Control, or the rate of ten percent (10%). For any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City. The statement of expenses so made, as aforesaid, shall be a prima facie proof of the amount expended for such work or improvements.

Section 14: Penalties

A person, firm, corporation or other entity commits an offense if he/she/it violates this ordinance. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this ordinance:

- A. The same penalties as set forth in the Zoning Ordinance of the City for all violations of requirements set forth in the said Zoning Ordinance; or

- B. The penalties set forth in the Code of Ordinances of the City for non-zoning violations.
- C. Restrictions on future development. If a historic resource, either a landmark or one located within the boundaries of the Downtown Preservation District is demolished or relocated without a Certificate of Appropriateness, or in the event the plans are changed for the property from which the resource was removed without approval of the changed plans by the Historic Review Board, then the following restrictions, in addition to any other penalties or remedies set forth in this ordinance, shall be applicable to the site where the structure or property was formerly located:
1. No building or other permits will be issued for construction on the site, with the exception of a permit to restore such structure or property after obtaining a Certificate of Appropriateness, for a period of five (5) years after the date of such demolition or removal.
 2. No permits shall be issued by the City for any curb cuts on the site for a period of five (5) years from and after the date of such demolition or removal.
 3. No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition and removal.
 4. The owner of the site shall maintain the site in a clean and orderly state and shall properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the building official shall cause to be filed a verified notice thereof in the Real Property Records of Bee County and such restrictions shall then be binding on future owners of the property.
- D. Cumulative remedies. The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Section 315.006 of the Texas Local Government Code and Section 442.016 of the Texas Government Code as the same may be amended from time to time, injunctive remedies and the like.
- E. Civil Action. As an additional remedy in addition to the penalties stated above, the City Attorney for the City of Beeville or his or her designee shall have the power to take all necessary civil action to enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

Section 15: Appeals

- A. An applicant may appeal a decision of the Board to the City Council under the following conditions:
1. That the decision of the Board, to be appealed, was made under its mandatory functions.
 2. That a written notice of appeal by the applicant be received by the City Secretary within ten (10) days following the decision to be appealed.
 3. That the grounds for appeal are based upon unreasonable economic hardship as defined herein or upon other legal precedent or established law or is challenging or requesting a change to a rating or landmark designation.

Appendix A. The Secretary of the Interior's Standards for Rehabilitation

(36 CFR Part 67)

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall 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 or architectural elements from other buildings, shall not be undertaken.

- ~~4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.~~
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall 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.

B. Only one appeal shall be allowed.

C. Appeal to Judicial Authorities. Prior to an appeal to judicial authorities or institution of suit, and as a mandatory prerequisite thereof, the applicant must file a written notice of appeal with the City Secretary within ten (10) days following the adverse City Council decision or Board decision, as applicable, stating specifically grounds for such appeal.


PASSED AND APPROVED this the 26th day of August, A.D., 2008.

CITY OF BEEVILLE




Kenneth Chesshir, Mayor

ATTEST:



Tomas P. Saenz, City Secretary

APPROVED AS TO FORM:



Frank W. Warner, City Attorney

