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## **ORDINANCE NO. 1615.10**

**AN ORDINANCE OF THE CITY OF SAN ELIZARIO, TEXAS, ESTABLISHING REGULATIONS FOR THE PRESERVATION OF HISTORIC PLACES AND BUILDINGS WITHIN THE CITY AND PROVIDING FOR THE FOLLOWING: REHABILITATION STANDARDS; DESIGN GUIDELINES; PERMITTED USES; INCENTIVES; ENFORCEMENT; REQUIREMENTS FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS; PROHIBITION AGAINST NEGLECT; CREATION OF THE HISTORIC PRESERVATION BOARD OF REVIEW; ENFORCEMENT INCLUDING A CIVIL PENALTIES AND A CRIMINAL FINE NOT TO EXCEED \$2000.**

### RECITALS

**WHEREAS**, the United States Supreme Court and Texas courts have recognized that historic preservation is a legitimate public purpose and that municipalities have the constitutional power to regulate the use of private property in the interest of promoting the social and economic goals of preserving historic places deemed to have public value; and

**WHEREAS**, the laws of the State of Texas, including but not limited to Chapter 211 of the Texas Local Government Code, authorize the City Council of the City of San Elizario ("City Council") to protect and preserve places and areas of historical and cultural importance and significance; to designate places and areas of historical and cultural importance; and to regulate the construction, reconstruction, alteration, or razing of buildings and other structures in order to maintain the heritage and property values of the City of San Elizario ("City"); and

**WHEREAS**, the City Council finds that the spirit and direction of the City are founded upon and reflected in the historic past, and both the cultural and historic foundations of the City should be preserved as a living part of our community life and development; and

**WHEREAS**, the City Council finds that the loss or degradation of the City's historic buildings and places would have an adverse effect on the shared sense of community and could potentially decimate tourism; and

**WHEREAS**, the City Council finds and declares as a matter of public policy that the protection, enhancement, preservation, and use of historic landmarks and architectural heritage are public necessities and are required in the interest of the culture, prosperity, education, and general welfare of the citizens of the City; and

**WHEREAS,** the City Council hereby declares that it is in the City's interest to preserve the individuality and charm of the City by identifying and designating man-made and natural landmarks and districts of architectural, cultural, historical, and archeological significance in furtherance of history, prosperity, education, and commerce; and

**WHEREAS,** the implementation of the regulations established by this Ordinance is consistent with the City Council's comprehensive effort to preserve the cultural, historical, ecological and geological treasures of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of San Elizario:

### **ARTICLE I. FINDINGS OF FACT**

The foregoing recitals are adopted as facts and are incorporated fully herein.

### **ARTICLE II. ADOPTION AND ENACTMENT**

The City Council of the City of San Elizario hereby adopts and enacts this **Historic Preservation Ordinance**, contained in *Attachment A*, attached hereto and incorporated fully herein.

### **ARTICLE III. REPEALER AND SEVERABILITY**

**REPEALER:** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SEVERABILITY:** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **ARTICLE IV. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**PASSED AND APPROVED** this, the 12<sup>th</sup> day of April 2016, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



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Maya Sanchez, Mayor

**HISTORIC PRESERVATION ORDINANCE**

**of the**

**CITY OF SAN ELIZARIO**

***Adopted April 12, 2016***

# Historic Preservation Ordinance

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# Historic Preservation Ordinance

The purpose of this Historic Preservation Ordinance is to protect, preserve, and enhance important historic and cultural areas and structures that contribute to the identity of San Elizario. This ordinance is meant to exist in conjunction with the existing Mission Trail Comprehensive Plan and the El Paso Mission Trail Historical Area Zoning Regulations. It also incorporates existing design guidelines for the Mission Trail Historic District which cut through San Elizario. This ordinance will provide regulations, in addition to those included in these aforementioned documents, which will be applied to historically significant landmarks as well as to historically significant areas that fall within San Elizario's boundaries, most notably the Mission Trail. The regulations outlined in this Historic Preservation Ordinance will give San Elizario the tools to best preserve historic areas within its boundaries.

## 1. Declaration of Policy

The City of San Elizario declares that the protection, enhancement, preservation and use of historic landmarks and historic districts is a public necessity and is required in the interest of the culture, prosperity, education, safety, and general welfare of the people. The purposes of this ordinance are the following:

- A. to protect, enhance and perpetuate historic landmarks and districts, which reflect distinctive and important elements of San Elizario's architectural, archaeological, cultural, social, economic, ethic and political history, and to develop and maintain appropriate settings for such places;
- B. to safeguard San Elizario's historic and cultural heritage, which is embodied within historic landmarks and districts, through protective regulations;
- C. to stabilize and improve property values in such locations by offering incentives for property owners to rehabilitate historic properties, and by protecting such areas from incompatible development;
- D. to foster civic pride in the beauty and accomplishments of both the distant and more recent past;
- E. to protect and enhance the city's attractions to tourists and to provide stimulus to area businesses and industries;
- F. to strengthen the economy of the city, both through direct incentives programs and indirectly through other points of purpose;
- G. to promote the use of historic landmarks and districts for the culture, prosperity, education and general welfare of both San Elizario residents and visitors;

- H. to promote the creation of historic districts, which allow for the preservation of entire streetscapes, promote development of new compatible uses, and allow for the inclusion of lesser structures that still contribute to the historic character of San Elizario;
- I. to prioritize new development that is respectful of historically significant structures, through both use and design regulations; and
- J. to prevent the uprooting of architecturally significant structures.

## **2. Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means a physical change in or to a structure, object or site.

*Appurtenance and environmental setting* means the entire parcel of land and structures thereon in which a historic resource is located and to which a resource relates physically and visually to the area. Appurtenances and environmental setting shall include, but not be limited to, vegetation (including trees, gardens, lawns crop land, etc.), waterways (canals, drains, laterals, etc.), driveways (paved and unpaved), and fences.

*Building* means a structure created to shelter people or things.

*Construction* means the erection of a new building or structure, or the erection of an addition to an existing building or structure.

*Demolition* means the process of destroying or razing, in whole or in part, a landmark or property located within a historic district.

*Design guidelines* means standards adopted by the city detailing acceptable alterations of designated properties.

*District* means the San Elizario Mission Trail Historical District.

*Grade* means the degree of inclination of a road or slope.

*Historic district* means an area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

*Historic property* means those properties having quality of significance in American history, architecture, archeology and culture and is present in districts, sites, buildings, structures, and objects and possesses integrity of location, design, setting, materials, workmanship, feeling and association.

*Integrity* means the authentic property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

*Inventory* means a listing of significant historic properties.

*Landmark* means a building, structure or object that is significant for historical, cultural, architectural or archeological reasons.

*Mobile home or manufactured home* means a mobile structure that is used as a permanent dwelling, is usually connected to utilities, and is designed without a permanent foundation.

*Object* means constructions that are primarily in nature or design, movable, yet related to a specific setting or environment.

*Ordinary repair and maintenance* means activities considered common for maintaining a property, such as the replacement of porch floors, utility connections or repairing a roof with identical or similar materials which do not require a building permit.

*Overlay* means a zoning regulation that is applied in addition to a property's base zoning. For example, a house in a single-family zone that is also in a historical overlay zone will follow land use guidelines from both zones.

*Rehabilitation* means the act or process of returning a building, object, site or structure to a state of utility through repair, remodeling or alteration, making possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

*Site* means the location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or cluster, whether standing, ruined or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

*Structure* means functional constructions made usually for purposes other than creating shelter.

### **3. Historic Criteria**

The City of San Elizario shall designate buildings, structures, sites, and districts that contribute to the historic character of the city with the use of the Historic Overlay zoning category. The City shall define the boundaries of areas as well as of individual structures that fall within this zoning category.

In making such designations, the City shall consider, but shall not be limited to, one or more of the following criteria:

- A. character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, region, or country;
- B. recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry on the National Register of Historic Places;

- C. embodiment of distinguishing characteristics of an architectural style;
- D. identification as the work of an architect or master builder, whose individual work has influenced the city's development;
- E. embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant cultural innovation;
- F. relationship to other distinctive buildings, sites, or areas which are eligible for preservation, according to a plan based on architectural, historic or cultural motif;
- G. portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style;
- H. archaeological value, in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest;
- I. exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state, or country;
- J. location as the site of a significant historic event;
- K. identification with a person who has significantly contributed to the culture or development of the city, county, region, state, or country;
- L. a building or structure that due to its location has become valuable to the city or to its neighborhoods and communities; and
- M. value as an aspect of community sentiment of public pride.

### **3.1 Historic Overlay District Zone**

All persons, buildings, properties, sites and structures located within the historic overlay zone shall comply with the historic preservation ordinance and the included design guidelines adopted by the City of San Elizario.

### **3.2 Historic Preservation Board of Review**

- A. The Historic Preservation Board of Review ("Board of Review") is entrusted the responsibilities of carrying out the sections of this ordinance.
- B. The Board of Review will have the same makeup as the Planning and Zoning Commission and shall conduct its duties in the same manner as the Planning and Zoning Commission.



C. The Board of Review shall conduct those duties in the manner outlined in this ordinance.

### **3.3 Archaeological Site Review**

Archaeological sites shall be treated as a historic resource.

- A. Any project that impacts designated archaeological sites shall be reviewed by the Board of Review for approval.
- B. If an archeological site is discovered during the course of construction, the property owner shall notify the Board of Review to seek assistance on consulting with a qualified archaeologist. The archaeologist and the Board of Review shall evaluate the significance of the findings.
- C. Projects shall proceed when it has been determined that no adverse effect will occur or that the adverse effect has been mitigated.
- D. Projects shall be halted if it has been determined that the site will be adversely affected or that a site has been evaluated as being significant. In this case, the project shall be referred to the Board of Review to consider alternatives and/or recommend a course of action.

### **3.4 Destruction of Historic Resources Prohibited**

It shall be unlawful to alter, demolish, or remove any exterior feature of any designated historic landmark or any included structure within a historic district, or to change materially by additions, reconstruction, alteration or maintenance the exterior of any designated historic landmark or any included structure in a designated historic district in violation of this ordinance.

### **3.5 Certificate of Appropriateness Criteria**

- A. No person or entity shall construct, reconstruct, alter, remove, or demolish any of the following unless they receive a Certificate of Appropriateness or a Certificate of Demolition from the Board of Review:
  - 1) any permanent feature on a property listed as a Texas Antiquities Landmark or listed on the National Register of Historic places; or
  - 2) any building, object, site, landscape architectural feature, or group of such that falls within the boundaries of the Historical Overlay District zone, or designated as a historic landmark as defined by these regulations.
- B. The Board of Review shall grant or deny certificates of appropriateness or certificates of demolition based on one of the following sets of criteria:
  - 1) if the site falls within the boundaries of the Historic Overlay District Zone, adopted architectural and design guidelines for the zone shall apply; or

- 2) if the site does not fall within the Historical Overlay Zone but is a designated historic landmark, the Secretary of Interior's standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall apply.

C. Procedure for Application for Certificate of Appropriateness

- 1) Proposed exterior changes and alterations shall be submitted in writing directly to the Board of Review for a certificate of approval, which must be granted before such work can begin. The applicant shall submit a copy of all proposed alterations and changes, describing what is proposed. Any applicant must appear at a meeting of the Board of Review before submitting an application and may consult with members of the board during the application's review.
- 2) The applicant should include the following information in their application for a Certificate of Appropriateness:
  - (a) name, address, and telephone number of the applicant (and property owner(s), if different), detailed description of proposed work with a concept site plan; and a description of how the proposed work will be in character with the architectural or historical aspect of the structure or site and the applicable zoning requirements;
  - (b) location and photograph of the property and adjacent properties;
  - (c) elevation drawings of the proposed changes, if available;
  - (d) samples of materials to be used;
  - (e) if the proposal includes signs or lettering, a sign permit application in conformance with the sign ordinance (cite sign ordinance) a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property;
  - (f) the intended and desired starting date and completion date of the alterations to be made;
  - (g) color chips of the colors which will be used on the structure;
  - (h) payment of the applicable fees as required by the fee schedule ordinance. The application will not be deemed complete nor will it be processed until such fee is paid in full;
  - (i) any other information which the commission may deem necessary in order to visualize the proposed work; and
  - (j) property owner's signed authorization of the proposed work.
- 3) Upon ten days after written notice to the applicant, the Board of Review shall hold a hearing regarding the application. Upon review, if the Board finds that the proposed work will not adversely affect any significant architectural or historical feature of a designated historic

property and is appropriate and consistent with the spirit and purposes of this ordinance, it may grant the certificate of appropriateness.

- 4) If the Board of Review finds that the proposed work will adversely impact any significant architectural or historical feature of the designated property, or is inappropriate or inconsistent with the spirit of this ordinance, it shall notify the applicant within ten days of receipt of the application that it has been disapproved and shall include the changes necessary for approval of the application.
- 5) No change shall be made in the application for issuance of a certificate of appropriateness without the re-submittal to the Board of Review and approval thereof in the same manner provided in this ordinance.
- 6) If the Board of Review denies an application for a certificate of approval, a re-submittal of the application will not be accepted for an additional hearing for the same property within a twelve-month period from the date of the final decision, unless supporting evidence indicates there has been a substantial change in conditions or that all changes needed in the application have been made.
- 7) Ordinary repair or maintenance which does not involve changes in architectural and historical values, style or material is exempt from the provision of this Section.

#### **4. Rehabilitation Standards**

The city's standards for rehabilitation pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The standards for rehabilitation for historic buildings and structures shall be the standards as established by the Federal Department of the Interior as amended from time to time.

- A. In considering an application for a certificate of appropriateness, the commission shall be guided by design guidelines adopted by the city, and, where applicable, the following from the Secretary of the Interior's standards for rehabilitation of historic buildings. Any adopted design guidelines and Secretary of the Interior's standards shall be made available to the property owners of historic landmarks or within historic districts.
- B. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- C. The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- D. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- E. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- F. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
- G. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, sustained by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- H. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- I. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- J. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- K. Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that, if such alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would not be impaired.
- L. Paint color shall be based on duplication of paint color, sustained by historical, physical, or pictorial evidence, when available, rather than on conjectural designs.

#### **4.1 New Infill Construction within Historic Overlay District**

- A. Approval from the Board of Review is also required for proposed developments on vacant sites that fall within the Historic Overlay Zone, regardless of the historic nature of the site itself. For these applications, the Board of Review shall consider whether the use, the scale, and size of the development is contextually sensitive to nearby historic sites within the Historic Overlay District.

- B. The Board of Review shall review all construction plans and concept site plans for construction in the Historic Overlay District zone in order to insure compatibility with the zoning requirements and the surrounding buildings and environment in relation to height, gross volume, and proportion.
- C. Developers and property owners of potential infill sites that fall within the Historic Overlay District zone should consult the Mission Trail Historic Design Guidelines, Section 6 of this ordinance, to best understand how to insure their designs for new construction can appropriately harmonize with existing historic structures.
- D. Development proposals may be subject to other additional requirements such as traffic studies, depending on the individual characteristics of the project, of the site, and of the relationship between the site and neighboring historic uses.
- E. Applicants who do not follow these procedures shall be subject to pay fines up to \$2,000 for violating zoning regulations, as stated in San Elizario's Zoning Ordinance.

## **4.2 Demolition or Removal of Historic Structures**

- A. An application to demolish or remove a designated historic property shall be submitted to the Board of Review. The Board of Review shall hold a public hearing on the application within thirty days after the application is filed. The applicant shall be given written notice ten days before the hearing. The Board of Review shall consider the historic value, state of repair, reasonableness of the cost of restoration or repair, the existing and potential usefulness of the building, the purposes behind preserving the structure, the character of the neighborhood, and any other factors. If the Board of Review determines that the interest in demolishing or removing the building outweighs the interest in preserving it, the Board of Review shall issue a Certificate of Demolition or removal to the Zoning Administrator who will advise the applicant within 5 days of the Board's decision.
- B. If the application for a Certificate of Demolition or Removal is denied, the applicant must wait twelve months after the final decision before resubmitting the application for an additional hearing, the applicant submits a written request, indicating a change in conditions to warrant an earlier rehearing.

## **4.3 Demolition by Neglect**

- A. No person with an interest in real property designated as a historic landmark shall allow the property to fall into a state of disrepair due to deterioration of any exterior architectural feature or interior feature on a designated historic interior, which would produce a detrimental effect upon the character of the historic district as a whole or the life of the property itself, respectively. Examples of deterioration include: deterioration of roofs, chimneys, stucco or mortar, ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors, deterioration of any feature which creates a hazardous condition which could lead to the claim that demolition is necessary for public safety.

- B. Upon notification of such a state of disrepair, the Board of Review shall notify the owner in writing, informing them of the complaint of the alleged deterioration, requesting the owner appear before the Board for a more accurate determination of the existence of deterioration
- C. If after a hearing, the Board determines that the deterioration has produced a detrimental effect, the owner or anyone with an interest in the property shall be given a reasonable time to cure the deterioration. The owner who will restore the property must comply with all requirements of requesting a Certificate of Appropriateness from the Board.
- D. Any notice required to be given under this section shall be by certified mail, return receipt, to the addressee at their last known mailing address.
- E. Any applicant aggrieved by a ruling of the Board of Review the provisions in this ordinance may within 15 days after the ruling appeal to the Board of Review.
- F. Any applicant or the owner of any property located within the Historic Overlay Zone or within 300 feet of any historic property who is aggrieved by a ruling concerning that property may within 60 days after the ruling appeal to the Board of Review.

## **5. Incentives.**

- A. An incentive program may be created by the City.
- B. The program will contain guidelines for awarding incentives for historic preservation initiatives taken in accordance with the regulations contained in this ordinance. Such incentives may include financial awards in form of grants or loans or other incentives such as rebates, fee waivers, and variances from zoning requirements. Incentives shall be designed to achieve the purposes and objectives of this article.
- C. The program guidelines will include the process and procedure for receiving applications for an incentive and for awarding incentives. Applications shall be submitted to the Board of Review who will forward its recommendation to the City Council. The City Council will make the determination on the award of an incentive.
- D. Applicants that obtain a certificate of appropriateness for an alternative exterior design standard are eligible for incentives under this article.

## **6. Mission Trail Historic District Design Guidelines for Non-Residential Buildings**

### **6.1 Purpose**

The Design Guidelines for the Mission Trail Historic District are a set of recommendations for the rehabilitation and restoration of existing structures, as well as the construction of new structures, that fall within the boundaries of San Elizario's Historic Overlay Zone. Design guidelines improve the quality of physical change, protect investments, protect existing architectural characteristics,

and prevent incompatible new construction. These guidelines preserve the unique character of Mission Trail landmarks and their surroundings. They serve as an outline for new construction, allowing future development to harmonize with existing structures.

## **6.2 Design Elements and Standards**

It is essential that the qualities relating to the history of El Camino Real be preserved. Some of these qualities are: the preservation of historical area and buildings, continued construction of buildings in the historic styles, a general harmony as to style, form color, proportion, texture and material between buildings of historic design and those of modern design.

## **6.3 Styles of Architecture**

The City of San Elizario recognizes that an architectural style has evolved within the valley from 1668 onward, characterized by the construction with adobe bricks, called “Pueblo Colonial,” as well as the more recent “Pueblo Revival” style, which includes different materials and additional decorations.

### **A. Pueblo Colonial**

With rare exceptions, buildings are one story, and few have three stories. Buildings are long and low. Roofs are flat with a slight slope, and are surrounded on at least three sides by a parapet of the same color and materials as the walls, or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal, or porch, formed by setting back a portion of the wall, or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two story construction is more common in the Territorial than in other sub-styles, and is preferable accompanied by a balcony at the first or second story. Facades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canals or waterspouts, flanking buttresses and wooden lintels, architraves and cornices, and doors are frequently carved and the carving may be dressed in bright colors. Arches are rarely used except for non-functional arches, often slightly ogive, over gateways in free-standing walls. All exterior walls are painted alike. The colors are of natural adobe, ranging from a light earth to a white color. An exception is the protected space under portales or, in church derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations.

Solid wall spaces is always greater on a façade than window and door space combined. Single panes of glass larger than thirty square inches are not permissible except as otherwise provided.

The rule for flat roofs shall not prevent the construction of skylights, air conditioning edifices, or other necessary roof structures, but such structures, besides chimneys, flues, vents and arials, shall be so placed as to be concealed by the parapet from view of one standing in the street on which the building fronts.

The Pueblo Colonial Style buildings are made of adobe bricks, with adobe or lime plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible, provided the exterior walls are not less than eight inches thick, and that

geometrically straight façade lines are avoided. Adobe plaster or stucco simulating adobe, laid on smoothly, is required.

Commercial and public buildings place a portal to cover the entire sidewalk. The columns are set at the curb line.

## **B. Pueblo Revival**

Original Pueblo structures were often part of small villages. Living units were grouped together like apartments and ladders were used to gain entrance, since many structures were constructed higher than two stories, (for defensive purposes). This apartment-type massing was eventually abandoned for traditional single family dwellings on platted parcels. Early Pueblos were simple rectangular designs made of adobe brick. Hand hewn vigas and horizontal poles were used to support a flat roof of saplings, twigs and mud. Early floor plans depict several single rooms linked linearly. Original structures likely consisted of just one room, and rooms were added as families grew.

Pueblo Revival style architecture emerged around 1910-1920. Pueblo Revival is Pueblo architecture with a few modifications, such as hand hewn vigas are replaced with modern sewn lumber, and built-up roofing replaced mud roofs.

Pueblo Revival is defined by battered walls with rounder corners, projecting rounded vigas and round unpainted porch posts. Other characteristics include small wood windows, with roughly hewn wooden lintels set deeply into walls. Some Pueblo Revival features architectural features in the Mission Trail Historic District include high ceilings, adobe brick, wood windows and flat roofs with projecting vigas. Modern Pueblo structures use wood framed walls or CMU with a stucco finish.

## **6.4 Site Development**

The purpose of reviewing proposed alterations to structures in the Mission Trail Historic District is to assure compatibility and harmony with existing buildings, including how the building is situated on its site. Site development is important in maintaining the historic integrity of a building.

### **A. Height and Scale**

Height limitations are established to ensure the compatibility of height and scale between existing structures and new construction. Height limits for the Mission Trail Historic District are established to prevent new development from dominating or obscuring the view of the Chapel. No structure within 1,000 feet of the Chapel shall exceed 26 feet in height. Structures outside of the parameter shall comply with the building code requirements stated in the zoning ordinance. The height of new buildings should conform to the height of existing surrounding buildings. Height additions should match the vertical and horizontal dimensions of nearby structures. Avoid overwhelming the original mass of existing structures with excessive additions, which can detract from the building's architectural character.

### **B. Setbacks**

Setbacks help create a unified rhythm along a street. Maintain the predominant existing building line. Existing building lines should not be disturbed by new construction. New



construction should be in harmony with the existing building line, and parking spaces should be at the rear of the building.

C. Proportion

The relationship between height and width of a building establishes proportion. Proportions of new buildings should be consistent with dominant proportions of existing buildings. Proportions of a group of structures defines a pattern called a “streetscape.” Streetscapes establish the architectural character of a neighborhood. All new construction and additions to structures should preserve and enhance the existing streetscape.

D. Pattern and Rhythm

Solids and voids (walls, windows and doors) establish a pattern on a building’s façade. A pattern of solids and voids creates rhythm. Other elements such as porches, projections and bays contribute to a pattern and rhythm on a street. New construction or additions to existing structures should maintain and reinforce the existing pattern. Proportions of open space between facades should remain constant to that the street’s rhythm is maintained.

## 6.5 Site Details

A. Fencing

If fencing is desired, it should be incorporated into the overall design. Construction of new fencing or replacement of older existing fences should be of compatible materials, to best complement the building. Rock, brick, wood and wrought iron are generally acceptable, but each case should be decided individually. Cinder block with stucco may be used for fencing but plastics should be avoided. Metal or wrought iron may be used with brick and some adobe structures. The height of the proposed fence should complement the structure and should not obstruct the public’s view of the building.

B. Sidewalks and Parkways

Because the area is mostly rural, sidewalks within the Mission trail Historic District are limited. Most sidewalks are made of concrete, however alternatives exist. Brick and stone pavers are available in a wide array of colors and patterns, which can enhance the area. Exposed stones and pebbles set in concrete could also be considered.

C. Parking and Driveways

Most residential structures have parking at the side of the property in the form of a garage or carport. The original parking area should be maintained. When repair or replacement is required, the existing garage or driveway should be replaced in the same formation. Paved area for driveways should be kept at a minimum. Acceptable driveway materials are concrete, asphalt or masonry. Use plantings to screen parking areas. To the extent compatible, parking shall be conducted also in accordance with the City’s parking ordinance.

D. Lighting

Most properties in the Mission Trail Historic District were not lighted decoratively. If you wish to accent your property with exterior lighting, it is recommended that you first try to find a

replica or original of a late nineteenth or early twentieth century-style fixture. Modern lighting fixtures should be as simple as possible.

#### E. Landscaping and Open Space

Landscaping is inherent in the siting and design of a building. Good landscaping reinforces architectural qualities of a structure. Original vegetation should be maintained. New landscaping should complement the structure and the streetscape. Within a 25' setback, landscaping or fencing should be provided to screen incompatible buildings or land use. Mulberry trees are not native to the Southwest and are inappropriate for use in landscaping plans. Landscaping will be conducted also in accordance with the City's landscaping ordinance.

#### F. Roofs

Roof types in the Mission Trail Historic District vary. Flat roofs are characteristic of Pueblo architecture. Mediterranean styles may have flat roofs or hip roofs with red clay tile. Essentially, all structures are intended to be wall dominated. The height of the roof above the wall should not be greater than the height of the wall itself. If roofing is beyond repair, replacing materials should match the original as close as possible. A roof and all roofing materials should be compatible with the structure. Do not change the style or construction of the roof.

#### G. Chimneys and Vents

Existing chimneys and vents should be maintained. If repair is required the original materials, style, color, and construction should be matched. New construction should not involve the removal of these elements. Spark arrestors should complement the termination of the chimney in design, shape and color. Installation of spark arrestors should not disturb the character of the chimney nor the character of the structure. In addition, all spark arrestors must meet city code requirements.

#### H. Windows

Windows are important character-defining features because of both detailing and the definition of a pattern through voids. Window design will vary throughout the district.

Windows should be repaired instead of replaced. This usually entails removing old paint, installing new weather stripping, and repairing. If windows are damaged beyond repair, replacement windows should match the type, style, material and finish of the original. Do not plug, cover or widen windows if they are on the exterior walls of the original structure.

Aluminum siding windows are not in character with the Mission Trail Historic District. Muntins should be installed on existing horizontal windows to create the appearance of divided light.

In the historic district, window treatment is usually basic and less ornate. Frames, lintels and sills should preferably be constructed of wood. Metal may be used if finished. The finish must be in character with the overall appearance of the structure and adequately complement its style.

Storm windows should look like part of the building. Well-proportioned storm windows can be installed without causing adverse visual effect. Storm windows should correspond as closely as possible to inner windows. Avoid using unpainted aluminum or other unpainted types of storm windows that may disturb the character of the building.

I. Shutters and Awnings

Shutters and awnings can be used if they originally existed on the building. Both should use appropriate proportions even if inoperable. Shutters should be the full height of the window and half its' width, to appear to cover the entire opening if closed. When opened, shutters should lie flat against the wall.

J. Security Considerations

The security measure most visible along the Mission Trail is "security bars." Ideally, bars should be installed on the interior of the building envelope, however, this procedure is not always feasible. Bars can be mounted within the window opening on the building's exterior. Each case will be considered individually to determine the impact of bar installation on the structure. Avoid using ornate bar designs. Simple bar designs will complement a structure better than ornate patterns. A permit for bar installation must be obtained from the City. Approval will be given to only grill designs in which the grills over the bedroom windows can be easily pushed open from the inside, which is a precautionary measure in case of fire.

K. Doors

Doors are important contributing elements to the character of structures. Original doors should be retained if possible. This includes original hardware. Do not widen doorways or attempt to cut new ones, on the exterior of walls in the original structure. If existing doors are beyond repair, new ones should be installed, and should match original materials and be similar in design. Flat-surfaced and contemporary doors with small decorative windows should be avoided. Storm doors should appear to be a part of the building. Converted storm units can be used if proportionally correct. Storm doors should be set back from the surface of the exterior frame, and should be painted to minimize their visual presence.

L. Three Foot Rule

Windows and doors should not be placed within three feet of the outside corner of the structure, because the corner is load-bearing.

M. Porches

Porches are functional and decorative features that help define the character of the building. A porch and its architectural elements should be maintained and repaired as needed. If elements need to be replaced, materials should match original construction. Porch railings should be of wood. Steel pipes, brick columns and wrought iron are not characteristic of porch construction in Pueblo Style architecture, and are inappropriate materials for porch construction. Exterior stairs to upper floors should be located to the side or rear of a structure, not adjacent to the porch. If major structural repairs are required, any new construction should replicate original work.

#### N. Foundations

The majority of structures in the Mission Trail Historic District do not have exposed foundations, except for one-part commercial and some adobe buildings that have been rehabilitated. For these, a thick coating of cement has been applied to the bottom courses to protect them from water damage. The finished skin of the structure should run to the grade line or below it as required by building codes. Isolation joints are permitted at the floor line for the purpose of complying with code requirements. Joints should be finished with a color that complements the structure.

#### O. Auxiliary Buildings

Since most auxiliary buildings were usually built at the same time and in the same style as the primary structure, they contribute to the architectural character of the property. The same attention to detail should be used when planning construction for an auxiliary structure as the primary structure. Original doors on auxiliary buildings should be repaired, but if replacement is necessary, new doors should match the original design as closely as possible.

#### P. Materials and Finishes

The character of a structure is determined by the combination of materials and finishes. The character of the Mission Trail Historic District should be preserved through proper design and construction practices.

#### Q. Masonry

Appropriate masonry includes terra cotta, stucco finishes, and adobe. Brick may be used as coping for Territorial Style buildings. Adobe is part of Southwest tradition of wall construction and is made up of caliche or clay, sand or gravel, and organic fiber. There are many adobe structures in the Mission Trail Historic District dating from the 1700s that exemplify the durability of this material. Masonry requires little maintenance, while Adobe is easily damaged from improper cleaning or repair. Before cleaning, consult local experts on restoration who can research the surface of the building and determine the safest cleaning method. Sandblasting causes irreparable damage to terra cotta, adobe, and stucco finishes. If masonry is beyond repair, use similar materials to match the color, size and texture of the material being replaced. Mortar should also duplicate the composition, color, texture, joint size, and joint profile of the original construction. If a brick surface has been previously stuccoed, it should remain stucco since removal may damage underlying masonry.

#### R. Wood

Very little wood construction is found within the Mission Trail District. Wood is mostly used in new construction of framework. It is used for highlighting or for trimming around windows and doors. Original wood materials should be maintained where possible. If surface paint must be removed, use safe chemical compounds to do so. Check for leaks, which can cause insect growth and wood decay. If wood is deteriorated beyond repair, replace with wood to match the existing as closely as possible. Metal, vinyl, asbestos and other synthetic materials are inappropriate, though some may be considered individually.

S. Metals

Very little metal has been used in the historic district. It is mostly used for stair railings, balconies, windows, and fencing. Pueblo Revival style uses iron grill work as decoration or protection over windows and doors, and for balcony ornamentation. Metal functioning as structural hardware can also be decorative when used as a highlight on wood construction.

T. Color

The natural color of originally exposed materials should be maintained. It is not appropriate to paint, stucco, or spray texture on brick. It is recommended to clean brick, not paint over it. Original color, if it can be determined, should be given first priority as a color choice. Documentation of colors for architectural styles and periods of history is available in trade journals. Color choices should be made from these documented palates.

U. Mechanical Equipment

Mechanical, electrical and telephone equipment, and other obtrusive elements or structures such as satellite dishes, air conditioning units, and radio and television antennae, should be screened from view.

V. Health and Safety Codes

Most structures 50 years or older do not meet standard requirement of modern health and safety codes. It is important to check code compliance for fire prevention, building construction, mechanical, electrical, and plumbing systems, not only for new construction, but for responsible maintenance.

## **6.6 Additional Guidelines for Non-Residential Buildings**

A. Storefronts

Storefronts are the predominant elements of a commercial streetscape and should be restored whenever possible. If materials or elements are beyond repair, replacement materials should match the originals as closely as possible. Storefront finish should be fabricated from adobe, masonry, or frame covered with stucco. Doors and windows should be of wood or metal sheathed wood sash. Supporting structure may be of any material allowed by the city's building code. Security grillwork should be installed in a way that the grillwork does not detract from the storefront and façade.

B. Signs

Signs shall be installed in accordance with the City's sign ordinance provided that these regulations do not detract from the historic nature of the district.

C. Parking

Place the parking area where it will have minimal visual impact on the area. Commercial parking should be located to the rear of the property. Parking areas should not be placed in front or side yards. Parking located in the front of a structure should be screened with compatible fencing or landscaping. Combining vegetation with fencing materials will enhance the quality of the site. Parking will be conducted in accordance with the City's parking ordinance.

## 6.7 Guidelines for New Construction

New construction and design should not detract or adversely affect existing historic properties in any way. New construction can be defined in two ways. 1) New infill construction on vacant land, or 2) building additions to an existing building. All of the guidelines above should be followed. Any new construction must be compatible in size, texture, color, design, proportion, and detail to adjacent buildings and streetscapes: it must follow the specific architectural styles designated appropriate for that particular zone. Incorporating existing architectural features with new design elements can contribute added interest and compatibility.

### A. Infill Construction

New structures should respect the integrity of existing buildings. Existing historic structures and the streetscape should be taken into consideration before designing new infill construction. Setbacks, proportion, rhythm, and building elements should all be addressed. Infill construction must follow the architectural style deemed appropriate for that particular area of the Mission Trail.

### B. Additions

New additions should be planned so that they are constructed to the rear of the property or on a “non-character-defining-elevation.” According to the Standards for Rehabilitation, new additions should be designed and constructed so that the character-defining features of buildings are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation. Do not add on top of an original historic structure. Instead, add to a more recent addition, or start a new one-to-two story addition on the side or rear of the building. Additions should complement the original structure, but not necessarily attempt to duplicate or copy it. The older structure should be identifiable from the new addition.

## 7. Permitted Uses

The following chart lists the uses deemed acceptable, conditional, and not permitted for the Historic Overlay Zone.

X = Permitted Use

C = Conditional Use

Blank Space = Not Permitted

<b>USES</b>	<b>HD*</b>
	Historic District
Accessory apartment	C
Administrative or research facilities	
Airport or landing field	
Animal clinic/hospital	
Animal kennel	
Antique shop	X
Apartments	X
Art gallery or museum	X
Art supply store	X
Auto parts and accessory sales	
Automobile and motorcycle sales and repair (new)	
Automobile and motorcycle sales and repair (used)	
Automobile Repair	
Automobile wrecking yard	
Bakery	X
Bakery, wholesale	
Bank	X
Bar or tavern	C
Barbershop or beauty shop	X
Bed and breakfast	X
Bingo hall	X
Book or video store (not adult)	X
Bowling alley	
Building materials sales	
Bus station or terminal	
Cabaret	
Cabinet, furniture, upholstery shop	X
Camera shop	X
Car wash	

<b>USES</b>	<b>HD*</b>
Catering service	
Cemetery	
Child care center, nursery or kindergarten	
Church	X
Civic clubs/fraternal lodges	X
Commercial amusements, indoor	
Commercial amusements, outdoor	
Community building	X
Condominium	C
Dancehall or nightclub	C
Department store	
Detention center	
Discount store	
Drugstore	X
Electrical energy generating plant	
Electrical substation	
Electrical transmission line	C
Equestrian facility	
Exercise facility	C
Fabrication	
Farmers market	X
Fire/EMS station	X
Flea market	C
Florist shop	X
Furniture, carpet or appliance store	C
Gas line and regulation station	
Gas station	
Go-cart track	
Golf course	
Grain elevator	
Grocery/supermarket	
Group homes	
Heavy machinery sales	
Helipad	
Home improvement center	
Home occupation	C
Hospital	
Hotel or motel	C
Janitorial service	
Key shop	X
Laboratory	



<b>USES</b>	<b>HD*</b>
Laundry or cleaners	
Library	X
Light fabrication and assembly processes	
Light industrial uses	
Liquor store	
Live/work unit	C
Livestock	
Local utility line	X
Manufactured home	
Manufactured home sales	
Manufacturing of pottery/ceramic products	
Massage parlor	
Medical appliance sales	
Medical laboratory	
Medical office/clinic	X
Model studio	
Motor freight terminal	
Movie theater/theater	
Multiple-family housing	
Nursing home/assisted living	
Office equipment sales and repair	C
Offices, general	C
One-family dwelling unit (attached)	C
One-family dwelling unit (detached)	C
Optical dispensary	X
Park or playground (public)	X
Pawnshop	
Personal service	C
Pest control	
Pet sales	
Photocopies	C
Photographer	X
Piercing studio	
Playground	X
Printer	
Produce stand, outdoor	X
Public building	X
Public park	X
Radio or television transmitting station	C
Radio, television, wireless phone or microwave tower	

<b>USES</b>	<b>HD*</b>
Railroad freight terminal	
Railroad yard	
Recreational vehicle sales	
Recycling collection facility	
Repair and service shop	
Repair of appliances	
Restaurant	X
Restaurant, fast-food	
Retail sales/personal service	X
Retail shop, apparel, gift, accessory	X
Riding academy/stables	
Roller or ice skating rink	
School, private	C
School, public	C
Self storage	
Septic tank service	
Service station	
Sewage pumping station	
Sewage treatment plant	
Shooting range	
Single-family dwelling	C
Swimming pool (commercial)	
Tattoo parlor	
Taxidermist	
Telecommunications tower	C
Telephone exchange, switching relay or transmitting station	
Theater (not adult)	X
Tire dealer	
Tool and light vehicle rental and sales	
Town home	X
Travel agency	X
Travel trailer park	
Truck or bus washing	
Truck stop	
*Historic district permitted uses should follow the regulations and permitted uses as detailed in the City of San Elizario's Historic Preservation Ordinance and the El Paso Mission Trail Zoning Regulations.	

## **8. Implementation Manual**

- A. An implementation manual may be created by the City. The purpose of the manual will be to serve as an efficient resource and facilitation of all ordinances and regulations affecting the historic district.
- B. This manual will be a compilation of ordinances and regulations including reference to (if not whole inclusion of) the Mission Trail Historic District Regulations. Such manual may also include sections regarding the benefits of historic preservation, listing of and method of granting incentives, site development regulations, standards and design guidelines.

## **9. Enforcement**

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included herein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work is in effect until a decision is rendered.

## **10. Violations; Penalties**

- A. It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, relocate, restore, demolish, raze, or maintain any building, structure, accessory building, fence or other appurtenance in a historic district or historic landmark in violation of the provisions of this article, and proper city officials, or their duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, demolition, razing or maintenance, to restrain, correct, or abate such violation, and to prevent any illegal act, conduct, business or maintenance in and about such premises; each day such violation continues shall constitute a separate violation.
- B. Any person violating this ordinance is subject to the following:
  - 1) Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this ordinance and to seek civil and criminal penalties. Any violation of this ordinance is hereby declared to be a nuisance.
  - 2) Criminal prosecution. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$500 or \$2,000.00 if the violation governs fire safety, zoning, public health and sanitation. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a misdemeanor.
  - 3) Civil remedies. Nothing in this ordinance shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this ordinance, and to seek remedies as allowed by law, including, but not limited to the following:

- (a) injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
  - (b) a civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
  - (c) other available relief.
- 4) Any person violating this ordinance is subject to suit for injunctive relief as well as prosecution for civil and criminal violations.