

Sec. 125-85 Historic Overlay District

On July 8, 1997, the City of League City authorized the establishment of historic districts. These districts provide the most powerful tool to protect the character of our historic neighborhoods.

PURPOSE

The Historic Overlay District is intended to:

protect, enhance and perpetuate places and areas which represent distinctive and important elements of the League City's historical, cultural, and architectural history;

to insure the harmonious, orderly and efficient growth and development of the city that is sensitive to its historic resources.

preserve the old town atmosphere;

increase public knowledge and appreciation of the city's historic past and unique sense of place;

foster civic and neighborhood pride and a sense of identity;

promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic resources within the City;

create a more livable urban environment; and,

encourage stabilization, restoration, and improvements of such properties and their values.

HISTORIC PRESERVATION OFFICER

The Executive Director of Planning and Development shall appoint a qualified staff person to serve as Historic Preservation Officer (hereafter referred to as Preservation Officer). This officer shall administer this ordinance and advise the Commission on matters submitted to it. The officer shall also be responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations when required.

HISTORIC DESIGNATION.

Historic Overlay District. This designation establishes a historic overlay district which includes contributing (historic) and non-contributing structures. The area within the historic overlay contains a mixture of residential and commercial uses, cottage style retail and office spaces, including plazas, parks, and natural open spaces. It is an area of suburban village development with majestic oak trees and landscaping developed in a street grid pattern that is both walkable and bike friendly.

The property owners within this district shall comply with the requirements of this section, other ordinances of the city and to the League City Design Guidelines. Buildings or places within the

Historic Overlay District which lack historical, architectural, or cultural importance or value must comply with the provisions of this section except as noted.

CRITERIA FOR HISTORIC DESIGNATION

Landmarks. Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local Landmarks.

1. An individual Landmark may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:
 - (a) Possesses significance in history, architecture, archeology, or culture.
 - (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (c) Is associated with events that have made a significant impact in our past.
 - (d) Represents the work of a master designer, builder, or craftsman.
 - (e) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (f) Represents an established and familiar visual feature of the city.

Criteria for creating or adding to a Historic District. The criteria for including area in a Historic Overlay District (by creation or addition) are as follows:

1. The included area must be a geographically definable area possessing significant concentration, linkage or continuity of buildings, structures, sites, areas or lands that are united by architectural, historical, or cultural importance or significance.
2. The included are must meet three or more of the following criteria:
 - a. It has character, interest or value as part of the development, heritage or cultural characteristics of the City, the State, or the United States.
 - b. It includes one or more Texas Historic Landmark, National Historic Landmarks or places entered into the National Register of Historic Places.
 - c. It includes distinguishing characteristics of an architectural type, period, or method of construction.
 - d. It is identified with the work of an architect or master builder who influenced the development of the City.
 - e. It includes elements of design, detail, materials or craftsmanship that represent a significant innovation.
 - f. It has a close relationship to distinctive buildings, sites or areas that can be preserved under a plan based on architectural, historic, or cultural motif.
 - g. It portrays the environment of a group of people in an area characterized by a distinctive architectural style.
 - h. It exemplifies the cultural, economic, social, ethnic, or historical heritage of the City, state or nation.
 - i. It includes the location of a significant historical event.
 - j. It is identified with a person or persons who significantly contributed to the culture and development of the City, state or nation.

- k. It contributes significantly to community identity, spirit, or pride.
3. Applications for including an area in an Historic District may be by a petition of property owners and shall be filed with the Historic Preservation Officer. The application shall contain a report to the commission containing the following information:
 - a. a list of representative buildings and places within the included area and a description of the significance of each one;
 - b. a map clearly showing the boundaries of the included area and the locations of the representative buildings and places (identified by a number or letter);
 - c. a written description, with photographs, of each representative building and place, including color, condition, architectural style, date of construction (if known), builder and architect (if known), the chain of uses and ownership, materials, construction techniques, recognition by governmental agencies (for architecturally or historic significance), cultural importance or value (if made the basis of the application), any proposed restrictions upon use or construction, and anticipated effects on public facilities (including utilities, streets, and other public improvements, existing or proposed); and
 - d. all applicable fees; and
 - e. a petition signed by 100% of the number of owners of parcels of land lying wholly or partly within the included area (other than streets). For this purpose, parcels and owners are determined by the most current records of the central appraisal district at the time of filing. To be effective, the signature of an owner must be affixed in the same form and manner as would be required for a deed conveying the whole parcel (and more than one signature may be required).
 4. The Commission may also consider creating or adding to an Historic District on its own motion or at the request of the Council. The Commission shall apply the criteria listed in Item 2 of this subsection and make a recommendation to the Planning & Zoning Commission, which shall handle the recommendation as a proposed amendment to this Ordinance (refer to Section 125-49). A recommendation from the Historic Commission to create or add to an Historic Overlay District shall include a draft ordinance with:
 - a. A description of the boundaries of the included area;
 - b. Findings that the area meets the criteria prescribed by this section; and
 - c. A classification of existing occupancies and structures and their effects upon the character, safety, economic and physical impact of the district; and
 - d. If a new district is proposed, recommendation may include provisions for buildings or places which lack historical, architectural, or cultural importance or value.

ZONING

Except as noted in this Section, the underlying base zoning district shall apply to property within the Historic Overlay District. In case of a conflict between this section and the provisions of the base zoning district or with any other regulations, the Historic District Overlay regulations shall prevail.

Use Regulations

CLASSIFICATION	Residential	Commercial
Residential		
Single Family Dwelling	P	
Single Family with Secondary dwelling	S	
Attached Single Family Dwelling	P	
Public and Semi-Public		
Parks and Recreation	P	P
Public Safety Facilities	P	P
Religious Assembly	P	P
Schools, public and private	P	P
Commercial		
Alcoholic Beverage Sales – on premise consumption		S
Alcoholic Beverage Sales – off premise consumption		S
Animal Sales and Service	S	S
Artisan	S	P
Banks and other financial institutions – no drive-thru		P
Banks and other financial institutions – with drive-thru		S
Bed and Breakfast	P	P
Catering Business		P
Clubs and Lodges		P
Cultural Institutions	S	P
Day Care	S	S
Eating and Drinking Est – may include Live Entertainment (less than 3000 sq. ft. including all seating areas)	S	P
Event Venue	S	P
Micro-Brewery, Micro-Distillery and Micro-Winery with Live Entertainment		P
Food and Beverage Sales less than 20,000 square feet	S	P
Live/Work Units	P	P
Offices	S	P
Personal Instructional Services	S	P
Personal Services	S	P
Retail Sales	S	P
Temporary Sales	S	P

Development Regulations

1. **Nonresidential.** Nonresidential zoning districts shall follow the Olde Town District development regulations found in Schedule 125.76.E-1 entitled. Deviations may include the following:
 - a. Sidewalks are required in non-residential zoning districts in the Historic District. The Preservation Officer may approve alternate sidewalk designs to the extent necessary to preserve or protect an historic structure, place or large tree.
 - b. Curbs and gutters are only required along streets without open ditches.

2. **Residential.** Residential zoning districts shall follow the residential standards found in the Design Guidelines.
3. **Sidewalks** Sidewalks are not required on residentially zoned properties in the historic district.
4. **Parking.** The Zoning Board of Adjustments may issue a special exception to relax parking regulations in the Historic District, to the extent necessary to preserve or protect an historic building, place, or large tree. Relaxation may include the use of off-sites paces, leased spaces, tandem spaces, shared, spaces, on-street spaces, etc.
5. **Interpretations.** City officials, boards, and commissions are authorized and encouraged to interpret and apply other ordinances, rules, and regulations liberally to minimize conflicts to preserve and protect historic buildings and places.
6. Architectural regulations are found in the most recently adopted League City Historic District Design Guidelines and are adopted by reference. These regulations apply to other structures and places, even if no certificate of appropriateness is required.

CERTIFICATE OF APPROPRIATENESS (COA)

1. **General Information.** No person or entity shall construct, reconstruct, alter, restore, rehabilitate, move or demolish exterior portions any building, or architectural feature of a building within the District, nor shall any person make any material change in other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any property within the Historic District without approval of a COA. Submitting an application for a COA does not constitute approval of the COA. All development within the Historic District shall be subject to review by the Preservation Officer. No other permits for such work shall be issued unless a COA, if required, has been issued. Any property owner within the Historic District who is considering changes to the exterior of their property should meet with or call the City of League City Preservation Officer at (281) 554-1080 to determine if a COA is required for the proposed work.

All work must comply with the applicable preservation regulations and the approved COA including any conditions and restrictions imposed by the Historic Commission. A COA does not constitute a Building Permit and the undertaking may require a Building Permit to perform the work.

2. **Ordinary Maintenance and Repair.** Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted. The Preservation Officer shall

make the decisions as to what is "ordinary maintenance and repair." Masonry includes brick, stone, cast stone, limestone, marble and granite.

3. **Application.** A COA may be issued by the Historic Commission (which requires a public hearing) or the Preservation Officer, when the proposed improvements are compatible with the historic character of the Historic District. Only the owner of a building may apply for a COA. A complete application must be submitted for both types of approval. The application shall include elevation drawings of the proposed changes (if available), detailed description of proposed work, samples of material, site plan showing location of structures affected and proposed structure (if applicable), photographs, and other descriptions sufficient to communicate the nature and extent of the proposed work. For work requiring a COA, the COA is required in addition to, and not in lieu of, any required building permit.

4. **Criteria for COA Approval.** In considering an application for a COA, the Preservation Officer and/or Historic Commission shall be guided by the adopted design guidelines, and where applicable, the following from *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
 - f. 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, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - g. 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.
 - h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

- i. 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.
- j. Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

5. **Matrix.** The following matrix outlines approving authority for a COA.

Reason for Certificate of Appropriateness	Commission Level	Staff Level	No COA Required
Addition or Alteration to structure that increases square footage of footprint	√		
Additions or Alterations that adds more stories to existing structure	√		
Addition of exterior architectural details with no proof the features previously existed	√		
Any work begun or completed without a Certificate of Appropriateness	√		
Awnings and Canopies	√		
Construction of a new structure	√		
Demolition of all or a portion of a contributing structure	√		
Replacement of Doors, Windows, Siding, or exterior features (new location, new material, or new design) on contributing structure	√		
Roof replacement with change to shape or pitch of the roof	√		
Roof replacement with materials not listed in guidelines	√		
Moving structure (considered historic or non-contributing) into historic district	√		
Moving a structure to a different location on the same lot or to a different lot within the historic district	√		
Moving contributing structure out of the historic district	√		
Fences design or material not consistent with the Design Guidelines	√		
Addition of storm windows/doors/burglar bars/accessibility ramps/solar panels/satellite dishes or antennae.	√		
Replacement Awnings and Canopies		√	
Exterior emergency repairs when further damage to structure may result if repairs are not completed immediately		√	

Reason for Certificate of Appropriateness	Commission Level	Staff Level	No COA Required
Exterior repairs and/or maintenance with in-kind materials		√	
Exterior replacement (doors, windows, siding, features) with material from Design & Materials on non-contributing structures		√	
Fence Design and material consistent with the Design Guidelines		√	
Roof replacement with in-kind material or Architectural Shingles and no change to structure, shape or pitch of the roof		√	
Signs installed without damage to significant historic material and do not compromise historic exterior structural features		√	
Time Extensions for Certificate of Appropriateness		√	
Tree Removal on property or in rights-of-way		√	
Replacement of awnings and canopies		√	
Removal of non-historic decorative elements such as shutters, brackets, skylights, canopies, or awnings		√	
Installation of exterior architectural details that have been partially lost, damaged beyond repair, or removed, if you can provide proof that they existed, either through existing elements that are still in place or by historical documentation, such as architectural plans or photographs		√	
Removal of storm windows and storm doors			√
Removal of burglar bars			√
Removal of accessibility ramps or lifts			√
Removal of solar panels			√
Removal of satellite dishes or antennae			√
Repainting previously painted masonry surfaces			√
Temporary emergency weather protection, such as plywood coverings over windows			√
Landscaping			√
Demolition of a noncontributing structure - (Demolition Permit is required.)			√
Moving a noncontributing structure out of a historic district – (Permit to disconnect utilities from building department; Routing permit for League City Police Department; and if new location is in League City a Building permit for the new location required.)			√
Reconstruction of the portion of a noncontributing structure that was completely or partially destroyed by a fire, natural disaster, or other damage not intentionally caused by the owner of the structure only if the reconstruction is built within the same footprint and has the same exterior features as the contributing or			√

Reason for Certificate of Appropriateness	Commission Level	Staff Level	No COA Required
noncontributing structure. (Building permit may be required)			
Work that only affects the interior of the building, not normally visible from a street. (Building permit may be required)			√

6. **Application Review.** In reviewing an application, the Preservation Officer and/or the Historic Commission may request additional information from the owner. Site visits by the Preservation Officer may be necessary. Generally, it is not necessary for the property owner to be home as only the exterior of the property will be viewed. The Preservation Officer may refer any request for a COA to the Commission if the Preservation Officer and the applicant disagree over the appropriateness of the request or, if in the Preservation Officer’s opinion, the request may have an adverse effect on surrounding properties.

7. **Commission Level Approval:** For applications requiring Commission approval, the Commission shall hold a public hearing on each application. Staff shall post a notice on the property (i) at least 15 days prior to the hearing, (ii) at or near the principal entrance to the affected property, and (iii) so that it is clearly legible by a person standing within a street or other public way.

8. **Decision.** After reviewing an application, if the Commission finds the proposed work meets the standards for issuance, the commission shall issue a COA. The Commission may impose conditions and restrictions on a certificate, to the extent reasonably necessary to meet the standards for issuance. Otherwise, the Commission shall disapprove the application. All descriptions of the work provided by the applicant (and any other representations made by the applicant) are deemed to be included in each certificate, regardless of whether they are attached or referenced, but are subject to the certificate of appropriateness and any conditions or restrictions imposed.

9. **Notification.** The Preservation Officer shall promptly notify the applicant and the Building Official of the disposition of each application. Building permits and other approvals are usually required, in addition to a COA.

10. **Failure to Act on COA.** If the Commission neither issues a COA nor disapproves an application by the decision deadline, the Preservation Officer shall issue a COA covering all the work applied for, without conditions or restrictions. The decision deadline is the 45th day following the date the application is filed (or, in case of an application including any major demolition or removal, the 90th day). In this paragraph, “major demolition or removal” means demolition or removal of 250 square feet or more of building space, measured by the affected floor area.

11. **Appeals.** A person aggrieved by any action of the Commission may appeal to the Zoning Board of Adjustment. Appeals must be in writing and filed with the Preservation Officer not later than the

30th day following the day the applicant is notified of the action. The Board shall give notices, hold a hearing and make a decision in the same manner as prescribed for Commission action under this section. For this purpose, decision deadlines are measured from the date an appeal is filed with the Preservation Officer.

12. Expirations and Extensions. Certificates of Appropriateness may expire and/or be extended in the following circumstances:

a. Expiration: COAs shall expire:

- i. If work is not commenced within 12 months of the date of issuance;
- ii. If work is suspended or abandoned for 90 days or more after commencement excluding days when the certificate is stayed pursuant to appeal or court action;
or
- iii. If work is not completed within 24 months of date of issuance.

b. Extensions. The Historic Commission or the Preservation Officer may grant one or more 90-day extensions of time for completing the work authorized by the COA when:

- i. The applicant submits a written explanation of the need for additional time;
- ii. The Preservation Officer finds that the explanation justifies the extension; and
- iii. The applicant agrees to complete the work within the extended time period or be subject to revocation of the COA.

RELOCATION OF CONTRIBUTING STRUCTURES

A property owner seeking to move a contributing building shall submit an application for a certificate of appropriateness requesting approval to move or relocate the structure.

1. ***Moving a Contributing Structure within the Historic District.*** To move a contributing structure to a different location on the same lot or to a different lot within the historic district, the applicant must meet all of the following criteria:
 - a. The structure can be relocated without significantly diminishing the integrity of the historic district in which it is located.
 - b. The structure can be moved without significant damage to its physical integrity. Note: It may be necessary to install structural supports within the building during the move. Consult a qualified structural mover, who can assess the condition of the structure and take the appropriate steps to stabilize it before, during, and after relocation. Secure the building to prevent unauthorized entry while it is unoccupied.
 - c. The structure will be located to an area that is compatible with and retains the distinguishing qualities and historical and architectural character of the contributing structure.
 - d. There are compelling circumstances justifying the relocation of the structure.
 - e. The front and side setbacks of the structure in its new location will be compatible with the front and side setbacks of existing contributing structures in the new area. Note: the original primary building on a lot should not be relocated behind a new main house.

2. ***Moving a Contributing Structure out of the Historic District.*** Moving a contributing structure out of a historic district is equivalent to demolishing that building. The applicant must comply with all of the criteria listed 1. above. They also must establish that relocation is necessary to prevent an unreasonable economic hardship by meeting all of the following criteria (the same criteria that are required for demolition). The applicant must prove that:
 - a. The property is incapable of earning a reasonable return, regardless of whether the return is the most profitable return, including without limitation, regardless of whether the costs of maintenance or improvement of the property exceed its fair market value;
 - b. That the owner has demonstrated that the property cannot be adapted for any other use, whether by the current owner, by a purchaser, or by a lessee, which would result in a reasonable return;
 - c. That the owner has demonstrated reasonable efforts to find a purchaser or lessee interested in acquiring the property and preserving it, and that those efforts have failed; and
 - d. If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a Certificate of Appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation.

3. ***Moving a structure into the Historic District.*** Moving any structure (historic or non-contributing) into a Historic District requires the Historic Commission to a certificate of appropriateness. The request will be reviewed and approved as new construction.

DEMOLITIONS

1. ***Demolition/Partial Demolition*** A property owner seeking to demolish all or a portion of a contributing building shall submit an application for a certificate of appropriateness requesting approval for a partial or total demolition of the structure to the Planning Department. For issuance of certificates of appropriateness for demolition of all or a portion of a contributing building, the applicant must prove a preponderance of the following factors:
 - a. neither restoration nor repair is feasible, considering the condition of the building;
 - b. the cost of restoration or repair is unreasonable;
 - c. the building has little or no existing or potential usefulness, including economic usefulness;
 - d. the building is not important for maintaining the character of the district or for achieving the historic preservation purposes of this Ordinance.

The demolition application shall include but may not be limited to all of the following:

- a. **Proof of Ownership.** The applicant must provide proof of ownership.
- b. **Owner's Signatures.** The application must be signed by all owners of the property or provide power of attorney to sign for other owners.
- c. **Statement of Reasons.** A statement of the reasons that the demolition is being sought and documentation in support of each reason cited.

- d. Burden of Proof. The applicant has the burden of proof in presenting all necessary facts and documentation to warrant approval of the application.
- e. For a partial demolition, state the square footage of the area to be demolished measured by the affected floor area.

2. **Demolition by Neglect.** No owner or person with an interest in real property included within a designated historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

- a. Deterioration of exterior walls or other vertical supports.
- b. Deterioration of roof or other horizontal members.
- c. Deterioration of exterior chimneys.
- d. Deterioration or crumbling of exterior stucco or mortar.
- e. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- f. Deterioration of any feature that may create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

Procedure; The procedure to address demolition by neglect is as follows:

- a. **Documentation of Neglect.** The Code Enforcement Officer and the Building Official shall document evidence of disrepair or neglect on designated properties located within a historic district.
- b. **Notification of Property Owner.** If the disrepair or neglect does not rise to a level that warrants the Building Official's intervention, the Code Enforcement Officer shall notify the property owner in writing, informing the owner of the specifics of the alleged deterioration and requesting that the owner appear before the Historic Commission within 45 days of the date of the notification. The notification shall be provided to the owner either personally or by regular mail.
- c. **Hearing.** The Commission shall conduct a hearing in accordance with the public hearing procedures. The purpose of the hearing is to enable the Commission to make a fuller and more accurate determination of the existence and degree of deterioration and the urgency for corrective action. The owner may appear before the Commission in person or by agent.
- d. **Required Action Upon Finding of Demolition by Neglect.** If the Commission determines that the deterioration has produced a detrimental effect on the historic integrity of the property, the Commission may order the owner to cure the deterioration by repair or other appropriate actions within a reasonable time period. The owner must obtain a certificate of appropriateness (if required) for making the necessary repairs to correct the deterioration.

3. ***Claim of Economic Hardship.*** Upon receiving a notification or corrective order under this Section, the property owner may make a claim of economic hardship through the procedure provided in Section entitled “Economic Hardship” in which case the corrective order issued under this Section shall be stayed until the Commission makes its determination on the claim.
 - a. ***Corrective Order if Claim Unsuccessful.*** In the event of a finding of no economic hardship, the Commission may direct the Code Enforcement Officer to proceed with a corrective order as provided under this Section. The Commission may direct the Code Enforcement Officer to coordinate with the property owner on a compliance plan and schedule to address the detrimental deterioration that is the focus of the corrective order.
 - b. ***Potential Voluntary Measures if Claim Successful:*** In the event of a finding of economic hardship, the Commission may recommend options for addressing the detrimental deterioration while relieving the economic hardship, and the Commission may also recommend voluntary actions the property owner may take to address the detrimental deterioration.

ECONOMIC HARDSHIP

1. After receiving notification from the Commission of the denial of a certificate of appropriateness for demolition of a contributing structure due to the effect of this ordinance, the owners may file a claim for economic hardship.
2. ***Information required.*** A property owner claiming an economic hardship shall submit the following information to the Preservation Officer. If any of the required information is not reasonably available to or otherwise cannot be obtained by the owner, the owner shall describe the reasons. The Preservation Officer or Commission may specify that certain information items are not relevant or necessary for a particular case.
 - a. Nature of ownership (individual, business, or non-profit) or legal possession, custody and control.
 - b. Amount paid for the property, date of purchase, or other means of acquisition of title such as gift or inheritance and the party from whom purchased or otherwise acquired including a description of the relationship between the owner and the person from whom the property was purchased.
 - c. Financial resources of the owner and any parties in interest.
 - d. Drawings, photographs, or written descriptions depicting the current condition of the structure.
 - e. Assessed value of the land and improvements according to the two most recent assessments from the Galveston Central Appraisal District.
 - f. Real Estate taxes for the previous two years.
 - g. Verification of the presence or absence of a lien against the property from any agency.
 - h. Current fair market value of the structure and property as determined by an independent licensed appraiser.
 - i. All appraisals obtained by the owner or prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the property.

- j. Any listing of the property for sale or rent, price asked, and any offers received within the previous two years.
 - k. If the property is income-producing:
 - i. Annual gross income from the property for the previous two years;
 - ii. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed including but not limited to assurance of regular maintenance and inspection intervals of the property;
 - iii. Annual cash flow, if any, for the previous two years and proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service;
 - iv. All capital expenditures during the current ownership;
 - v. Annual debt service, if any, for the previous two years; and
 - vi. Two separate detailed cost analyses conducted independently by contractors registered with the City who are proficient in rehabilitation and repair of historic structures that estimate the cost of making the building structurally sound and safe for use or occupancy.
 - vii. A restoration study of the structure performed by a licensed architect that analyzes the feasibility of restoration or adaptive reuse of the structure.
3. **Criteria for approval.** No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists. When a claim of economic hardship is made, the owner must clearly demonstrate that:
- a. the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b. neither the current owner nor any purchaser can adapt the property to comply with general zoning regulation, which would result in a reasonable return;
 - c. the property owner has made diligent attempts efforts to find a purchaser interested in acquiring the property and preserving it in compliance with historic preservation regulations but have failed.
 - d. the applicant has worked in good faith with the Commission, any local preservation groups and other interested parties, in a diligent effort to seek an alternative that would result in preservation of the property. Such efforts must be shown to the Commission.
4. **Criteria for denial.** Claims of economic hardship by the owner shall not be based on conditions resulting from:
- a. Evidence of demolition by neglect or other willful and negligent acts by the owner.
 - b. Purchasing the property for substantially more than market value at the time of purchase.
 - c. Failure to perform normal maintenance and repairs.
 - d. Failure to diligently solicit and retain tenants.
 - e. Failure to provide normal tenant improvements.
5. **Public Hearing.** The Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the Preservation Officer. Following the hearing, the Commission has thirty (30) days in which to prepare a written recommendation to the (building inspector or other official). If the Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.

6. **Decision.** All decisions of the Commission shall be in writing. A copy shall be sent to the applicant and a copy filed with the building inspector. The Commission's decision shall state the reasons for granting or denying the hardship application.
7. **Appeal.** An applicant for a certificate of appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

ENFORCEMENT

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector or other city official to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission and verification by the Planning staff, the Building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect.