

UNIFIED DEVELOPMENT CODE

E Attachment 6

Appendix F: Historic Districts, Landmark Properties, and Heritage Properties

- A. Purposes. The intent of historic district designation is to recognize areas of the city of historical and cultural importance because of the presence therein of significant historic, architectural, or cultural resources; to foster civic pride in the accomplishments of the past; to encourage stabilization, restoration, and improvements of such resources and their values; to allow for a design review process, and to serve as a basis for preservation incentive programs. The provisions in this article pertaining to the designation of landmark and heritage properties constitute a part of the comprehensive plan of the City of McAllen.
- B. Designation of Historic Districts.
1. Zoning Designation. The City Commission may, from time to time, upon recommendation of McAllen Historic Preservation Council, designate certain areas in the City of McAllen as historic districts, and define, amend or eliminate the boundaries of same. Such districts shall bear the word “historic” in their zoning designation. Such designation shall be an overlay zone, in addition to any other zoning district designation established in the UDC.
 2. Official Zoning Map. The City Commission shall cause the designation to be recorded by the city secretary in the Records of Hidalgo County, the Hidalgo County Appraisal District, and the tax records of the City of McAllen. The official zoning map for the City of McAllen shall indicate the designated historic district with the suffix “HD”.
 3. Criteria. In making the designation of a historic district, the City Commission shall affirmatively find the area has one or more of the following characteristics:
 - a. Possess significance in history, architecture, archeology, and 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 the lives of persons significant in our past;
 - d. Embodies the distinctive characteristics of a type, period, or method of construction;
 - e. Represents the work of a renowned master designer, builder or craftsman;
 - f. Represents an established and familiar visual feature of the neighborhood; and
 - g. The majority of the resources within the district is 50 years old or older and considered contributing historically as it retains its structural and architectural integrity.
 4. Procedure to Establish a Historic District. In designating a historic district, the following steps must be followed:

MCALLEN CODE

- a. A petition signed by the owners of a majority of the land within the proposed district requesting its designation as a historic district must be filed with the council as an attachment to an application to consider the designation of a historic district. The application shall be in the form and be filed in the manner required by the McAllen Historic Preservation Council.
- b. Once the application is submitted and processed, the council shall conduct a public hearing at which the owner, interested parties, and/or technical experts may present testimony or documentary evidence which shall become part of a record regarding the historic, architectural or cultural importance of the proposed historic district. The Historic Preservation Officer shall make a presentation at the scheduled hearing and render a recommendation to the McAllen Historic Preservation Council. The McAllen Historic Preservation Council shall ascertain the historic nature of the proposed district and determine whether it meets the designation criteria. The McAllen Historic Preservation Council shall then forward a report and recommendation to the Planning and Zoning Commission to accept, modify, or reject the district as proposed. Prior to the hearing written notices shall be sent as provided in Section 6.1.7, and official signs shall be posted as provided in Section 6.1.7, with the words, "NOTICE OF HISTORIC DISTRICT DESIGNATION," the number and location of which signs shall be determined by the McAllen Historic Preservation Council.
- c. Once the Planning and Zoning Commission receives the McAllen Historic Preservation Council's report and recommendation, it shall give notice, conduct a public hearing. The Historic Preservation Officer shall make a presentation at the scheduled hearing and render the McAllen Historic Preservation Council's recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall ascertain the historic nature of the proposed district and determine whether it meets the designation criteria. After the hearing the Planning and Zoning Commission shall forward the McAllen Historic Preservation Council's and its own report and recommendation to the City Commission to accept, modify, or reject the proposed district. Prior to the hearing written notices shall be sent and official signs shall be posted in the same manner as for the council's hearings, with the number and location of said signs determined by the Planning and Zoning Commission.
- d. After receiving the McAllen Historic Preservation Council's and Planning and Zoning Commission's reports and recommendations the commission shall conduct a public hearing and take action to accept, modify, or reject the proposed district. Prior to the hearing notice shall be given by publication as provided in Section 6.1.7. At the hearing the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's and the Planning and Zoning Commission's recommendations.

UNIFIED DEVELOPMENT CODE

- e. Nominated Districts. The McAllen Historic Preservation Council may, without a petition, when brought to its attention or on its own motion, consider, propose and act to recommend designation of a nominated historic district. In such a case the council's approved motion to do so shall substitute for the petition referred to at Subsection a, above. All relevant procedures outlined in this Subsection, shall be followed. However, no recommendation may be forwarded to the Planning and Zoning Commission unless the McAllen Historic Preservation Council's recommendation is supported by a two-thirds majority vote.
- f. Maintaining Districts. In order to qualify for any special funding or tax incentives, designated historic district must maintain the characteristics depicted in Subsection 3 on the basis of which it was designated, and follow all relevant guidelines established by the City of McAllen including performing ordinary repairs and maintenance as necessary.

C. Designation of Historic Properties.

- 1. Zoning Designation. The commission may, from time to time, designate certain historic resources in the City of McAllen as landmark or heritage properties. Such properties shall bear the word "historic" in their zoning designation. Such designation shall be an overlay zone, in addition to any other zoning district designation established in the UDC.
- 2. Official Zoning Map. Upon designation of property as a heritage or landmark property, the commission shall cause the designation to be recorded in the Official Public Records of Real Property of Hidalgo County, the tax records of the City of McAllen and the Hidalgo County Appraisal District. The official zoning map for the City of McAllen shall indicate a designated landmark property with the suffix "LP," and a designated heritage property with the suffix "HP".
- 3. Criteria. A property qualifies for designation as a landmark or heritage property if it is a historic resource, including a building or structure that complies with all the applicable requirements of this article and meets any of the following criteria for the specific designation:
 - a. For landmark property designation, the property is at least 50 years old, has been restored, rehabilitated, or preserved in accordance with the applicable United States Secretary of the Interior's Standards, and any design guidelines adopted by the City, and:
 - (i) Embodies the distinctive characteristics of a type, period, or method of historical construction or architecture;
 - (ii) Is associated with the lives of persons significant to our past;
 - (iii) Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - (iv) Has yielded information important in the prehistory or history of McAllen, the region, or the nation.
 - b. For heritage property designation, the property is:

MCALLEN CODE

- (i) At least 50 years old but does not qualify for or is not designated a landmark property and, in keeping with standards and procedures promulgated by the City of McAllen, has had all of the facade facing any street it abuts substantially restored, rehabilitated, or preserved; or
 - (ii) Is less than 50 years old and has been substantially restored, rehabilitated, or preserved in keeping with standards and procedures promulgated by the City of McAllen; or
 - (iii) Is a comparable building or structure, as that term is defined in this article.
- 4. Procedure to Designate Historic Properties. In designating a landmark or heritage property, the following steps must be followed:
 - a. A property owner shall submit an application to the McAllen Historic Preservation Council in order to be considered for designation as a landmark or heritage property. The application shall be in the form and be filed in the manner required by the McAllen Historic Preservation Council.
 - b. Once the application is submitted and processed, the McAllen Historic Preservation Council shall conduct a public hearing whereas the owner, interested parties, and/or technical experts may present testimony or documentary evidence which shall become part of a record regarding the historic, architectural or cultural importance of the proposed property. Written notices shall be sent in a manner similar to that provided in Section 6.1.7, and official signs shall be posted as is provided in Section 6.1.7, with the words, “NOTICE OF HISTORIC PROPERTY DESIGNATION,” with the number and location of said signs determined by the McAllen Historic Preservation Council. At the hearing the Historic Preservation Officer shall make a presentation and make a recommendation to the McAllen Historic Preservation Council. Following the hearing and deliberation, the council shall forward a recommendation to the Planning and Zoning Commission.
 - c. Upon submission by the McAllen Historic Preservation Council, the Planning and Zoning Commission shall give notice and conduct its hearing on the proposed designation. Written notices shall be sent and official signs shall be posted in the same manner as for the McAllen Historic Preservation Council’s hearings, with the number and location of said signs determined by the Planning and Zoning Commission. At the hearing the Historic Preservation Officer shall make present the McAllen Historic Preservation Council’s recommendation. Following the hearing and deliberation, the Planning and Zoning Commission shall forward a recommendation to the City Commission.
 - d. Upon receipt of a recommendation from the Planning and Zoning Commission, the commission shall give notice, hold a public hearing and make its determination. Notice of such hearing shall be given by publication as provided in Section 6.1.7. At the hearing the Historic

UNIFIED DEVELOPMENT CODE

Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's and the Planning and Zoning Commission's recommendations.

- e. Nominated Historic Properties. The McAllen Historic Preservation Council may, without a petition, when brought to its attention or on its own motion, consider, propose and act to recommend designation of nominated historic properties. In such a case the McAllen Historic Preservation Council's approved motion to do so shall substitute for the property owner's application referred to at Subsection a above. All relevant procedures outlined in this Subsection, shall be followed. However, no recommendation may be forwarded to the Planning and Zoning Commission unless the McAllen Historic Preservation Council's recommendation is supported by a two-thirds majority vote.
5. Maintaining Historic Properties. In order to qualify for any special funding or tax incentives, landmark and heritage properties, and contributing resources in historic districts must maintain the characteristics on the basis of which they were designated, must be properly maintained, and follow all relevant guidelines established by the City of McAllen.
- D. Withdrawal of Designation. Whenever it shall come to the McAllen Historic Preservation Council's attention that a designated historic district has failed to maintain the characteristics depicted in this Subsection on the basis of which it was designated, or that a designated landmark or heritage property has failed to maintain the criteria specified in Subsection 3, or that either such a district or property has failed to follow any relevant guidelines established by the City of McAllen, the McAllen Historic Preservation Council may entertain a motion to recommend withdrawal of such designation. Such withdrawal of designation shall render the affected properties ineligible for any tax relief, pursuant to Section 98-72 of this Code of Ordinances.
 1. Procedure to Withdraw Designation. The affected landmark or heritage property owner and all property owners of the affected historic district shall be given written notice of the time and place of the hearing by certified mail sent at least ten business days before the meeting to the owner's address of record.
 2. Written notices shall be sent in a manner similar to that provided in Section 6.1.7, and official signs shall be posted as is provided in Section 6.1.7, with the words, "NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION," with the number and location of said signs determined by the McAllen Historic Preservation Council.
 3. The Historic Preservation Officer shall make a presentation at the scheduled hearing and render a recommendation to the McAllen Historic Preservation Council. The owner or owner's agent or representative shall attend the McAllen Historic Preservation Council's scheduled hearing. In the event the owner or owner's agent or representative fails to be present at the hearing the McAllen Historic Preservation Council shall table the item. At any subsequent meeting and regardless of the absence of the owner or owner's agent or representative, the McAllen Historic Preservation Council may take action.

MCALLEN CODE

4. The McAllen Historic Preservation Council shall forward a recommendation to the Planning and Zoning Commission for withdrawal of designation if it finds that:
 - a. A designated historic district has failed to maintain the characteristics depicted in this Subsection on the basis of which it was designated; or
 - b. A designated landmark of heritage property has failed to maintain the criteria specified in Subsection 3; or
 - c. Either such a district or property has failed to follow any relevant guidelines established by the City of McAllen.
5. Once Planning and Zoning Commission receives the McAllen Historic Preservation Council's recommendation it shall cause written notices to be sent in a manner similar to that provided in Section 6.1.7, and official signs shall be posted as is provided in Section 6.1.7, with the words, "NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION," with the number and location of said signs determined by the McAllen Historic Preservation Council. The Planning and Zoning Commission shall conduct a public hearing during which the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's recommendation. Following the hearing the Planning and Zoning Commission shall deliberate and forward a recommendation to the City Commission.
6. After the City Commission receives the Planning and Zoning Commission's recommendation it shall provide notice by publication as provided in Section 6.1.7, conduct a public hearing during which the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's and Planning and Zoning Commission's recommendations, and take action on the recommendation.