

## **Division 2. Historic Preservation**

### **4.2.1. Title.**

This division shall be commonly cited as the historic preservation ordinance.

### **4.2.2. Purpose :**

- (a) This division sets out standards and procedures for the protection, enhancement, designation and preservation of landmarks or districts of historical and cultural importance, and significance.
- (b) The city council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the city represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:
  - (1) Protect and enhance the landmarks and districts which represent distinctive elements of the city's historic, architectural, and cultural heritage;
  - (2) Foster civic pride in the accomplishments of the past;
  - (3) Protect and enhance the city's attractiveness to visitors and the support and stimulus to the economy thereby provided;
  - (4) Ensure the harmonious, orderly, and efficient growth and development of the city;
  - (5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city;
  - (6) Encourage stabilization, restoration, and improvements of such properties and their values.

### **4.2.3. Scope :**

This division applies to all property within the incorporated municipal boundaries (i.e., city limits). This division applies to actions done after November 14, 2006 (enactment date of the ordinance).

### **4.2.4. Burden of proof :**

An applicant for a certificate of appropriateness under this division must establish that the application complies with the requirements of this division.

### **4.2.5. Definitions :**

- (a) **Rules of interpretation :** Words and phrases used in this division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include

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the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Specific definitions :

Alteration : A physical change in or to a building or structure.

Architectural control : Regulations governing the appearance or architectural style of buildings or structures.

Architectural control is a form of aesthetic zoning.

Building : Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Certificate of appropriateness : A signed and dated document evidencing the approval of the Historic Preservation Officer or the Historic Preservation Commission of historic structures, sites, or areas that are identified with the lives of historical personages or with important events in national, state, regional, or local history; or the approval of new construction or alteration of ~~s~~ Structures or areas that embody the distinguishing characteristics of an architectural type specimen as to color, proportion, form, and architectural details.

Comprehensive plan : A document or series of documents prepared by a planning commission or department setting forth policies for the future of a community. Enabling statutes in many states require zoning to be in accordance with a comprehensive plan. A comprehensive plan may also be called a master plan.

Concept site plan : A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the city's administrative officers and consultants, the historic preservation commission, the ~~p~~Planning & ~~z~~Zoning Commission, and the city council.

Design review : The decision-making process conducted by an established review committee of a local government that is guided by the terms set in the historic preservation ordinance.

Design review guidelines : The set of guidelines adopted by the commission that details acceptable alterations of designated properties.

District : An area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Exterior features : Features which include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and the type and style of all windows, doors, walls, roofs, light fixtures, signs, other appurtenant features and significant trees.

Historic preservation commission : The citizens' advisory group appointed by the city council to oversee historic matters within the city. The term may be referenced in this division with the word "commission."

**Commented [MF1]:** Would it be better to mirror Zoning Ordinance definition? Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

**Commented [SV2R1]:** Updated

**Commented [MF3]:** Remove if not referenced in ordinance.

**Commented [SV4R3]:** Should we still reference the Comp plan because it does reference the historic district?

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Historic preservation officer: ~~The historic preservation officer~~ person appointed by the mayor to administer the historic preservation ordinance and advise the commission on matters submitted to it, or his or her designee.

Historic property: A district, site, building, structure, or object significant in history, architecture, engineering, archeology, or culture at the national, state, or local level.

Historic resource: This generally is the same as a historic property. It includes architectural, historical, and archeological properties as well as landscape features.

Historic Resource Survey: A systematic detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

Insignificant Alteration. Those activities which constitute minor alterations, additions, repairs or maintenance to any Resource include but are not limited to ordinary repairs and maintenance (refer to definition of ordinary repairs and maintenance).

Integrity: The authenticity of a property's historic identity evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

~~Intensive survey: A systematic detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.~~

Insignificant Alterations: Insignificant Alterations include but are not limited to:

- Changes to paint colors on previously painted surfaces or changes of fabric colors which are consistent with the design guidelines color palettes, removal of paint to expose original masonry;
- Replacement of existing windows and shutters with windows and shutters of similar material and style, without enlarging, shrinking, or relocating the placement of the windows;
- Replacing exterior historic doors facing a public right of way or alley without relocating exterior entry and exit points;
- Replacing exterior light fixtures facing a public right of way or alley;
- Removing, replacing or painting a historic fence facing a public right of way or alley;
- Construction of rear addition under 200 square feet using same (non-historic) material as existing structure as well as existing roof ridgeline for low rated structures (unless if property is located in the Old Fitzhugh District and has frontage on both Old Fitzhugh Rd. and Ranch Road 12); and
- New construction of ADA ramps, rear porches, rear decks, pools, fountains and other backyard amenities (unless if property is located in the Old Fitzhugh District and has frontage on both Old Fitzhugh and Ranch Road 12);

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**Inventory** : A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

**Landmark** : This refers to any individual building, structure, or object that is significant for historical, architectural, or archeological reasons.

**Object** : The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in designed landscape.

**Officer** : *The historic preservation officer appointed by the mayor to administer the historic preservation ordinance and advise the commission on matters submitted to it.*

**Ordinary repairs or maintenance** : Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage, and by using where possible original material. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation, or remodeling of buildings or structures. The term also omits the cutting away of exterior walls or partitions, cutting or removal of a structural beam or loadbearing support, or removal or change of means of egress. Ordinary maintenance includes repairs, stabilization measures, replacement or repainting using the same design, color and the same, or updated similar materials which match the original material as closely as possible, and which does not require structural alteration, and includes the following exterior alterations:

1. ~~The term also omits changes~~ Repainting in exterior exterior surfaces using existing paint colors;
2. Replacement of a non-historic door with one in keeping with the character and era in which the home was built, or painting door color from approved design guidelines color palette;
3. Removal of extraneous non-historic features such as burglar bars, awnings, non-original shutters and the like;
4. Slight modification to exterior steps, walkways or stairways using same material or that which matches the original material as closely as possible;
5. Addition of louvers and vents if placed in an existing opening with no other exterior alteration needed;
6. Replacement of existing roofing with new roofing that is of consistent material, height, color and style as original roofing material;
- ~~Changes to sign content that involve no other changes;~~
7. Installation of temporary features to protect, weatherize or stabilize a historic resource subject to formal approval within a reasonable time (including temporary weatherproofing material, framing, bracing, or blocks); and
8. Installation of mechanical units, electrical or plumbing facilities or fixtures, antennas, rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the historic resource.

**Commented [SV5]**: Proposing update to improve clarity around ordinary maintenance.

**Commented [DE6R5]**: I think it should reference stabilization.

**Commented [SV7R5]**: Updated paragraph and bullet 7 to include additional stabilization measures

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Overlay zones-Districts : A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development and uses within the overlay zone-district must conform to the requirements of both zones or the more restrictive of the two. The establishment of special-overlay districts must have an appropriate police power basis.

Person : A human individual, trust, association, group, partnership, company, corporation, or government entity.

Preservation : The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Preservation priority rating. Three-tier rating system used in the 2024 and 2025 City of Dripping Springs Historic Resource Survey to evaluate all Resources within the City's historic districts. Ratings are based upon current determinations of architectural value and integrity and, if known, historical and cultural value, and may be altered from time to time as additional information is discovered or circumstances change. No rating shall be considered vested and the same may be established or changed at any time in accordance with subsections 4.2.10 below. Additionally, structures or properties may have more than one rating (e.g., the main structure may be high but an addition or accessory structure may be medium or low):

(1)High rating. The most significant Resources identified in the 2025 CODS Historic Resource Survey. These properties are considered to be outstanding, unique, or good examples of architecture, engineering, or design. Some are unique to the CODS area and are indicative of Texan vernacular forms and/or building techniques. Others are noteworthy examples of 19th and early 20th century architectural types, styles, and forms, erected using local building materials and construction technologies. Properties designated with a high rating are to be the most protected from alteration and demolition.

(2)Medium rating. Resources that may or may not be identified as architecturally significant on an individual basis, but are nonetheless valuable resources that add to the historic district's overall character, and may be so ranked due to their or its proximity or contribution to the cultural, historic, architectural, or archeological character of the historic district or surrounding properties. These properties may have been moderately altered or are typical examples of a common architectural style or form, but generally retain their historic integrity to a good or moderate degree. Properties designated with a medium rating shall be protected from demolition and where possible will be required or encouraged to maintain or improve architectural features.

(3)Low rating. Resources that minimally enhance the district's ability to convey a sense of time and place. These properties may be typical examples of more recent, common local building forms, architectural styles, or plan types; be examples of distinctive building forms, architectural styles, or plan types that have been significantly altered; lack the necessary age to meet the usual 50 year threshold for possible National Register of Historic Places listing and do not appear to meet the National Register of Historic Places standard for exceptional significance for properties less than 50 years of age, but which nevertheless may have relative value within the historic district, meriting preservation. Properties or improvements with a low rating may be considered for relocation or demolition upon a

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determination by the Historic Preservation Commission that this will have little or no impact on the historical, cultural, architectural, or archeological character of the district or property.

**Restoration** : The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**Site** : A site is the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

~~**Special district** : A district established to accommodate a narrow or special set of uses or for special purposes.~~

~~The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include open space districts, hotel/motel districts, or historic preservation districts. The establishment of special districts must have an appropriate police power basis.~~

**Structure** : The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating shelter.

**Zoning** : A police power measure enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

4.2.6. **Enforcement; penalties :**

(a) **Enforcement** : The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance. A person commits an offense of this ordinance when they alter, demolish, or remove any exterior feature of any designated historic landmark or any included structure within an historic district that is named as a "resource" in the most recently approved Dripping Springs Historic District Resource Surveys without a Certificate of Appropriateness, no matter their listed priority. More specifically, offenses include:

- a. altering the exterior elevations of a historic resource facing a public ROW without a Certificate of Appropriateness or;
- b. deviating from site and building plans previously approved by Certificate of Appropriateness without requesting a HPC or HPO review and approval of the updated plans or;
- c. demolishing or relocating a historic resource, building, or outbuilding located within the historic districts without obtaining a Certificate of Appropriateness or;
- d. removing Heritage trees without a waiver from the City's Design Review Committee and a Certificate of Appropriateness. This does not include trees that are dead, dying, or struck by lightning (however, proof must be provided regarding the status of these trees prior to their removal).

**Commented [MF8]:** Section needs to be revised to include what specific things constitute an offense.

**Commented [SV9R8]:** Okay, I added a list of proposed violations- let me know your thoughts

**Commented [DE10R8]:** I agree that some teeth are required as previously it felt like violators were red tagged and then simply came back with their COA application.

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- (b) **Criminal penalty** : It shall be a violation of this ordinance to violate any provision of this division. Any person violating any provision of this division shall, upon conviction, be fined a sum not to exceeding \$2,000.00 if the violation governs fire safety, zoning, public health, or sanitation, and in every other case a fine not exceeding \$500.00. Each day that a provision of this division is violated shall and may constitute a separate offense. An offense under this division is a misdemeanor.
- (c) **Civil remedies** : Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including but not limited to the following:

- (1) Applicant's loss of eligibility to receive Historic Preservation incentives, as outlined in Resolution No. 2015-26, Attachment A below:

*Attachment "A"*

**CITY OF DRIPPING SPRINGS  
 INCENTIVES FOR HISTORIC DISTRICT AND LANDMARK  
 DESIGNATION, ZONING, RESTORATION, AND PRESERVATION**

	<b>Mercer</b>	<b>Old Fitzhugh</b>	<b>Hays</b>	<b>Landmark</b>
<b>Site Development</b>				
90% impervious cover	✓	N/A	N/A	N/A
0% downstream buffer	✓	N/A	N/A	N/A
Waiver of Site Development Permit Application Fees	✓	✓	✓	✓
<b>Grant Applications</b>				
Eligible for help with grant requests	✓	✓	✓	✓
<b>Zoning</b>				
0' front building setback	✓	N/A	N/A	N/A
10' rear building setback	✓	N/A	N/A	N/A
0' side building setback	✓	N/A	N/A	N/A
Waiver of Zoning Classification Change Request Fee	✓	✓	✓	✓
Waiver of Zoning Ordinance Amendment Request Fee	✓	✓	✓	✓
Waiver of Conditional Use Permit Application Fee	✓	✓	✓	✓
<b>Building Code</b>				
20% reduction in Building Permit Fees	✓	✓	✓	✓
Expedited review process	✓	✓	✓	✓
<b>Signage</b>				
Waiver of Sign Permit Application Fees	✓	✓	✓	✓
<b>Food Establishment</b>				
Waiver of Food Establishment Permit Fees	✓	✓	✓	✓
Waiver of Food Establishment Plan Review Fees	✓	✓	✓	✓
<b>Use of Public Right-of-Way</b>				
Waiver of Temporary Public Right-of-Way Usage Permit Fee	✓	✓	✓	✓
Waiver of Temporary Public Street Closure Permit Fee	✓	✓	✓	✓
<b>Certificate of Appropriateness</b>				
Waiver of Certificate of Appropriateness Application Fee	✓	✓	✓	✓
Waiver of Professional Services Fees for Pre-Submittal Scoping Session	✓	✓	✓	✓

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~~(1)~~(2) Injunctive relief to prevent specific conduct that violates this division or to require specific conduct that is necessary for compliance with this division;

~~(2)~~(3) A civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of this division and after receiving notice committed acts in violation of this division or failed to take action necessary for compliance with this division; and

~~(3)~~(4) Other available relief.

4.2.7. Fees : Fees for a certificate of appropriateness application and other fees that may be associated with this division shall be established by the city council from time to time as set forth in the city's fee schedule ordinance.

4.2.8. Historic preservation commission : The historic preservation commission is described in section 2, Procedures and Administration:

4.2.9. Historic preservation officer :

- (a) The mayor shall appoint a qualified city official, staff person, or appropriate resident of the city to serve as historic preservation officer (hereafter, the "officer"). This officer or their designee shall administer this division and advise the commission on matters submitted to it.
- (b) In addition to serving as representative of the commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

4.2.10. Procedure for designation of landmarks and districts :

- (a) The city council may designate sites, buildings, structures, landscapes, and objects as landmarks and areas as historic districts and the public right-of-way in and surrounding them by adopting zoning overlay districts designated as "HO" on the city's official zoning map pursuant to procedures incorporated into the city's zoning ordinance by the city council. The provisions pertaining to the designation of historic landmarks and historic districts constitute a part of the comprehensive zoning plan of the city.
- (b) A designation request may be initiated by a property owner or the commission. A building or site may not be designated as a landmark without the owner's consent.
- (c) Property owners of proposed historic landmarks and property owners within a proposed historic district shall be notified by mail at least ~~15~~10 days prior to the commission hearing on the recommended designation or the rescinding of a designation. At the commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark or proposed historic district.
- (d) The commission may recommend the designation of a landmark or historical district if it meets one or more of the criteria for the designation of a landmark or district.
- (e) Upon recommendation of the commission, the proposed historic landmark or historic district shall be submitted to the planning and zoning commission within 30 days from the date of

**Commented [AA11]:** Consider aligning with 10 day PZC notice period.

**Commented [SV12R11]:** okay

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the submittal of the designation request. The planning and zoning commission shall give notice and conduct its hearing on the proposed designation within 45 days of receipt of such recommendation from the commission. Notice of the public hearing shall be provided to all property owners within 200 feet of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten days prior to the public hearing.

- (f) The city council shall schedule a hearing on the planning and zoning commission's recommendation to be held within 45 days of receipt of the recommendation of the planning and zoning commission. Notice of the public hearing shall be provided to all property owners within 200 feet of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing. Notice of the hearing before the city council may be provided simultaneously with notice of the P&Z hearing.
- (g) Upon designation of a building, object, site, or structure as a historic landmark or district, the city council shall cause the designation to be recorded in the official public records of real property of the county, the tax records of the city, and the Hays County Appraisal District, as well as the official zoning map of the city.

4.2.11. Criteria for designation of landmarks and districts : A historic landmark or historic district may be designated if it:

- (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 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 master designer, builder, or craftsman; and/or
- (f) Represents an established and familiar visual feature of the city.

4.2.12. Implementation standards Design Guidelines and incentives :

- (a) Implementation manual Design Guidelines :
  - (1) The city council is hereby authorized to enact by resolution implementation standards and design guidelines.
  - (2) No person shall violate historic district design implementation standards or guidelines adopted by the city council under this section.
- (b) Incentives : The city council is hereby authorized to approve by resolution financial and/or regulatory incentives for historic preservation, at the city council's discretion.
  - (1) Incentives shall be designed to achieve the purposes and objectives of this division.
  - (2) Applicants that obtain a certificate of appropriateness for an alternative exterior design standard are eligible for incentives under this division.
  - (3) Applicants that work without a required certificate of appropriateness or permit shall

**Commented [SV13]:** Keep this name if we make design guideline updates?

**Commented [MF14R13]:** Change name to "Design Guidelines"

**Commented [DE15R13]:** The incentives is consistent with previous conversations and balances the argument of a "taking"

**Commented [SV16R13]:** okay

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not be eligible for incentives under this division.

4.2.13. Certificate of appropriateness required; ~~expiration a~~ :

(a) Certificate required : No person shall carry out any construction, reconstruction, alteration, restoration, or relocation of any historic landmark or any property within a historic district, nor shall any person make any ~~material-significant~~ change in the paint color, light fixtures, ~~windows, signs,~~ sidewalks, fences, ~~steps, paving,~~ or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district, without a certificate of appropriateness. Painting of unpainted stone or masonry is prohibited.

(b) Certificates of Appropriateness shall be issued by the Historic Preservation Commission. However, if the application sought to be approved under this article qualifies as an Insignificant Alteration (SEE DEFINITION OF INSIGNIFICANT ALTERATION), an Administrative Certificate of Appropriateness may be issued by the Historic Preservation Officer or their designee as an administrative approval without review by the Commission.

Therefore:

(1) In reviewing, approving and denying applications for certificates, the Historic Preservation Commission and the Historic Preservation Officer shall seek to accomplish the purposes of this article.

(2) All decisions of the ~~Board~~ Commission and Historic Preservation Officer shall be in writing and shall state the findings, recommendations or requirements. The same may appear in the written minutes of the Board's meetings.

(3) Expiration : A certificate of appropriateness expires ~~two~~ one years from the date it is issued if the approved work has not commenced, and it expires ~~three~~ two years from the date it is issued if the approved work has not been completed.

(4) Extension : A certificate of appropriateness may be extended by the city council for up to six months upon request of the applicant and upon showing of good cause.

(5) An application for a certificate of a Appropriateness shall not be resubmitted for review sooner than 12 months following its initial review unless it is submitted with a significant change, or if the originally approved plans have changed significantly as determined by the Historic Preservation Officer.

(6) Certificates of a Appropriateness may be issued for distinct and separate phases of an ongoing project as needed.

~~(b)~~ —

~~(c)~~ Exemption for ordinary repairs and maintenance : A certificate of appropriateness is not required for ordinary repairs and maintenance ~~for which the cumulative cost of construction is less than~~

~~(d)~~ \$10,000.00. There is an expedited process for projects that for which the cumulative construction costs are less than \$10,000.00 but involve more than ordinary repairs and maintenance.

**Commented [MF17]:** May take more than 1 year to obtain site development and building permits

**Commented [DE18R17]:** The expiration clause needs work. Perhaps it needs to be extended or tied to development and building permits so long as applicant is continuously engaged in securing those approvals.

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4.2.14. Criteria for issuance of certificate of appropriateness; rehabilitation standards:

- (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)~~(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, 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)~~(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.
- ~~(i)~~(h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- ~~(j)~~(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.
- ~~(k)~~(j) 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.

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~~(k)~~ Paint color shall be based on duplication of paint color, sustained by historical, physical, or pictorial evidence, when available, rather than on conjectural designs.

~~(l)~~ ~~The~~ The historic preservation commission shall review all construction plans and concept site plans for construction in the historic district in order to insure compatibility with the zoning requirements and the surrounding buildings and environment in relation to height, gross volume, and proportion.

4.2.15. Application for certificate of appropriateness; application for alternative exterior design standards; review procedure; appeals :

~~(a)~~ Application-Predevelopment meeting : Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall request a predevelopment meeting with the Planning Department to discuss proposed improvements. Proposed improvements should comply with the zoning, historic resource survey preservation priority, and historic district guidelines associated with the historic resource.

~~(b)~~ Application : Following the predevelopment meeting, the owner shall file an application for such a certificate with the ~~commission~~ City of Dripping Springs Planning Department. The application shall contain:

- (1) Name, address, email 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;
- (2) Location and photograph of the property and adjacent properties, including photos of structure elevations, and photos of adjacent properties from the street and from the property for which the certificate of appropriateness is being sought;

~~(3)~~ Site Plan Concept, including building setback lines, sidewalks, species and diameter breast height of existing and impacted trees on-site, and on-site parking, if applicable~~available.~~

~~(4)~~ Elevation drawings of the proposed changes, if applicable~~available;~~

~~(5)~~ Samples of materials to be used;

~~(6)~~ If the proposal includes signs or lettering attached to an historic building, structure, or object, a sign permit application in conformance with the sign ordinance (chapter 26 of this code), a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property;

~~(7)~~ The intended and desired starting date and completion date of the alterations or improvements to be made;

~~(8)~~ Color chips of the colors which will be used on the structure;

~~(9)~~ 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; Completed billing contact form authorizing potential consulting service fees relating to the review of the COA application.

~~(10)~~ Any other information which the commission may deem necessary in order to

**Commented [SV19]:** Added based on CODS Historic District Design & development standards.

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visualize the proposed work; and

~~(10)~~(11) Property owner's signed authorization of the proposed work.

~~(b)~~(c) Application for alternative exterior design standards : Alternative exterior design standards for any new construction in a historic district may be submitted, along with all application requirements in subsection (a) of this section, for consideration by the commission when site conditions make strict compliance with the certificate of appropriateness requirements undesirable or impractical.

- (1) Considerations : The alternative standards shall, as a whole, meet or exceed the standards of the ~~implementation manual~~ Design Guidelines adopted by the city council, as amended. When a provision is reduced, the alternative standards shall increase other provisions to offset any noncompliance. For instance, if exterior materials do not meet the guidelines of the implementation manual, the architectural features, landscape features or other enhancements may be accentuated to balance the building's overall historic impact.
- (2) Review and appeal process : The commission shall consider the alternative exterior design standards for issuance or denial. An applicant for an alternative exterior design standard dissatisfied with the action of the commission relating to the issuance or denial of an alternative exterior design standard shall have the right to appeal in accordance with the appeals process for the certificate of appropriateness in subsections (f) and (g) of this section.

~~(3)~~ Waivers : A waiver can be applied for if the exterior redesign of a redevelopment project cannot be done without damaging existing utilities, curbs, or sidewalks.

~~(e)~~(d) Building permit : No building permit, if required, shall be issued for such proposed work until a certificate of appropriateness has first been issued by the commission. The certificate of appropriateness required by this division shall be in addition to and not in lieu of any site development, building, or sign permit that may be required by any other ordinance of the city.

~~(d)~~(e) Time for action by commission : The commission shall review the application at a regularly scheduled meeting within 60 days from the date the application is deemed administratively complete~~received~~, at which time an opportunity will be provided for the applicant to be heard. The commission shall approve, deny, or approve with modifications the permit within 45 days after the review meeting. In the event the commission does not act within 90 days of the receipt of the application, a permit shall be deemed granted by operation of law.

~~(e)~~(f) Form of decision : All decisions of the commission shall be in writing. The commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property.

~~(f)~~(g) Appeal to city council : 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 30 days after receipt of notification of such action. The city council shall conduct a hearing within 30 days of receipt of a written

Commented [SV20]: Rename to Design Guidelines?

Commented [MF21R20]: yes

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letter of appeal. The city council shall give notice to the applicant by mail. The city council shall make its decision within 30 days of the hearing.

~~(g)~~(h) Unanimously denied by commission : If commission unanimously recommends denial, approval by the city council shall require an affirmative vote by a two-thirds majority of those present and voting.

Expedited Certificate of Appropriateness review process for ~~small projects~~ insignificant alterations : There shall be an expedited process for obtaining a certificate of appropriateness for ~~small projects~~ INSIGNIFICANT ALTERATIONS, as previously defined in this ordinance, the cumulative costs of which are less than \$10,000.00. This process is available for projects that involve more than just ordinary repairs and maintenance. The historic preservation officer is hereby authorized to administratively ~~approve the applications~~ without public notice or a hearing. If the permit is denied, the applicant has a right to appeal the denial by submitting their appeal to the Planning Department within 30 days of the denial. The HPC will then review their COA permit application at the next HPC meeting, and choose to approve, deny, or table their decision regarding the COA application. Administratively complete applications shall be evaluated and decisions rendered within 15 business days of submittal. ~~To be eligible, the project must not involve:~~

~~Expansion or reduction of the building's footprint;~~

~~Alterations to the building facade facing a public street or street right of way;~~

~~Modifications of the building's color scheme; or~~

~~Any substantive revisions that in the historic preservation officer's judgment are contrary to the spirit of this division and harmful to the integrity of the historic landmark or, if the building is not a landmark, the historic district.~~

Certificate of appropriateness for demolition : A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the city without the review and approval of a completed application for a certificate of appropriateness by the city, as provided in sections 24.07.013 [4.2.13], 24.07.014 [4.2.14], and 24.07.015 [4.2.15] of this division.

4.2.16. Economic hardship :

- (a) Hardship process : After receiving written notification from the commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit, demolition permit, or certificate of appropriateness shall be issued unless the commission makes a finding that hardship exists, and an economic hardship letter is issued by the city.
- (b) Criteria for claim of hardship : When a claim of hardship is made due to the effect of this division, the owner must prove that:
  - (1) The property is incapable of earning a reasonable return, regardless of whether

**Commented [MF22]:** Specify what happens if denied. Applicant has right to appeal to HPC.

**Commented [SV23R22]:** Okay, I added a section to describe the process.

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that return represents the most profitable return possible;

- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

- (c) Effort to seek alternative : The applicant shall consult in good faith with the commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be documented to the commission.
  - (d) Action by commission : The commission shall hold a public hearing on the application within 60 days from the date the application is received by the officer. Following the hearing, the commission has 30 days in which to prepare a written recommendation to the building official or other official. In the event that the commission does not act within 90 days of the receipt of the application, an economic hardship letter may be issued.
  - (e) Form of decision : All decisions of the commission shall be in the form of a written letter. A copy of the letter shall be delivered to the applicant in person or by registered mail and a copy filed with the city secretary's office for public inspection. The commission's decision shall state the reasons for granting or denying the economic hardship application.
  - (f) Appeal to planning and zoning commission : An applicant for a economic hardship letter dissatisfied with the action of the commission relating to the issuance or denial of a economic hardship letter shall have the right to appeal to the planning and zoning commission within 30 days after receipt of notification of such action. The planning and zoning commission shall conduct a hearing within 30 days of receipt of a written letter of appeal. The planning and zoning commission (PZC) shall give notice to the applicant by mail. The planning and zoning commission shall make its decision within 30 days of the hearing. If a super majority of the HPC denied the economic hardship appeal, an approval by a two-thirds majority of the PZC present and voting is required to approve it.
  - (g) Appeal to city council : An applicant for a economic hardship letter dissatisfied with the action of the planning and zoning commission relating to the issuance or denial of a economic hardship letter shall have the right to appeal to the city council within 30 days after receipt of notification of such action. The city council shall conduct a hearing within 30 days of receipt of a written letter of appeal. The city council shall give notice to the applicant by mail. The city council shall make its decision within 30 days of the hearing. If a super majority of the PZC denied the economic hardship appeal, an approval by a two-thirds majority of the of the City Council present and voting is required to approve it.
- 4.2.17. Compliance with certificate of appropriateness; inspections; stop-work order : All work performed pursuant to a certificate of appropriateness issued under this division shall conform to any requirements included therein. It shall be the duty of the Building Official or their designee, city inspector or the officer 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 city inspector or the officer 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 order is in effect.

Commented [MF24]: What letter and who issues it?

Commented [SV25R24]: Updated

Commented [MF26]: If super majority of HPC denied, super majority of PZC required to approve it.

Commented [SV27R26]: Updated

Commented [MF28]: If super majority of PZC denied, super majority of CC required to approve.

Commented [SV29R28]: Updated- verify the supermajority requirement 75%

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~~4.2.18. Ordinary maintenance and insignificant alterations: Nothing in this division 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. In-kind replacement or repair is included in this definition of ordinary maintenance. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or loadbearing support, or removal or change of means of egress.~~

~~4.2.19~~ 4.2.18. Demolition by neglect: No owner or person with an interest in real property designated as a landmark or included within a 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 historical 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 roofs 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; and/or
  - (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
- ( Ord. No. 2021-17 , § 2, 5-11-2021))

### **Division 3. Historic Districts**

4.3.1. Title: This division shall be commonly cited as the "historic district ordinance."

#### 4.3.1-4.3.2. Historic Overlay Districts

##### 4.3.3. Applicability.

1. The boundaries for applicability of the standards herein shall be established for each individual historic overlay district.
2. Standards represent the minimum requirements for development and use within an overlay district. Conformity with these standards shall be required for the granting of any permit, certificate or other approval required for development within the city's area of jurisdiction.
3. Within the overlay districts, the standards of the underlying base zoning district, and all other regulations of the city, shall remain in effect unless superseded by the requirements of the applicable overlay district.
4. In the event of a conflict between the requirements of the overlay district and the requirements of the base zoning district or another ordinance, the requirements of the overlay district shall control.
5. If more than one (1) overlay district applies for a property, the more conservative standard shall control.

##### 4.3.2-4.3.4. Boundaries established :

- (a) The boundaries of the Mercer Street historic district are hereby established as being in accordance with the borders delineated on the map attached to Ordinance No. 1295.1 as exhibit B, which is incorporated into this division.
- (b) The boundaries of the Old Fitzhugh Road historic district are hereby established as being in accordance with the borders delineated on the map attached to Ordinance No. 1295.11 as exhibit 1, which is incorporated into this division.
- (c) The boundaries of the Hays Street historic district are hereby established as being in accordance with the borders delineated on the map attached to Ordinance No. 1295.12 as exhibit 1, which is incorporated into this division.

##### 4.3.5. Mercer Street Historic District Overlay

###### a. Purpose.

The purpose of the Mercer Street historic district overlay is to provide design guidance and standards that:

- i. recognize historic main street architectural character and pedestrian scale
- ii. promote walkable activities and pedestrian-oriented design
- iii. foster a community focal point, and

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iv. preserve historic resources in the district while promoting their adaptive reuse and revitalization.

b. Preferred or Additional Uses.

Preferred or additional uses permitted in the Mercer Street historic district include pedestrian-oriented or mixed uses that reinforce the character of the district as a community and cultural hub. These include:

a. Civic Center

b. Museum

c. Public Market

d. Craft Alcohol Production and sales: i. At least fifteen (15) percent of the Gross Floor Area (GFA) to be maintained as retail space open to the public. ii. Manufacturing-related activity shall not occupy more than five thousand (5,000) square feet of Gross Floor Area (GFA)

e. Theatre, Dinner Theater or Motion Picture Theatre

f. Dance Hall

c. Design

a. Dimensions

i. Building Height. The maximum allowable building height in the Mercer Street historic district is limited to two (2) or two and a half (2.5) stories or 40 feet.

ii. Building Width. Building widths may not exceed forty (40) feet, or must include articulation at a maximum of 40-foot increments.

iii. Building Footprint. The maximum allowable building footprint in the Mercer Street historic district is 10,000 square feet for a contiguous building footprint, with maximum massing increments of 2,500 square feet.

iv. Front yard setbacks. If the property fronts a public right of way where there is at least four (4) feet of unobstructed sidewalk space between the front building line and the corresponding roadway, there shall be a zero (0) foot minimum front yard setback,

v. Side yard setbacks. The minimum side yard setback is zero (0) feet if there is an approved fire wall.

vi. Rear yard setbacks. The minimum rear yard setback is ten (10) feet.

b. Building Orientation. Primary building entry shall be oriented toward the street of the building's address.

c. Building Facades.

i. Building materials. Buildings shall maintain historic native stone or wood for all outer walls (minimum of 75% of net square footage). Porches and trims shall be

**Commented [SV30]:** The minimum sidewalk width shown in the CODS Transportation Master Plan in Mercer area is 5 feet. Do we need to change the 4 feet to 5 feet?

constructed of wood.

ii. Porches. All primary building entrances along Mercer Street shall be covered by an awning or porch, that will extend across a minimum of 50% of the building façade.

iii. Roofs. Roofs shall be flat parapets or sloped metal roofs (standing seam or other approved type & finish).

d. Parking. For commercial uses in the Mercer Street historic district, minimum on-site parking shall be seventy-five (75) percent of the minimum requirement of Section 5.A Development Standards and Land Use Regulations, Off-street Parking and Loading. On-site parking shall be located to the rear of the building. Off-site parking and street parking may also be permitted.

e. Fences and landscaping. Historic walls, gates, fences, outbuildings, cisterns, and notable landscape features shall be preserved. Trees over 8 inches diameter breast height will be replaced, and heritage trees over 18 inches diameter breast height shall be preserved. Landscape plantings shall comply with the CODS native plant list.

f. Sidewalks. Sidewalks shall be a minimum of 5 feet wide in the Mercer District.

#### 4.3.6. Old Fitzhugh Road Historic Overlay District

##### a. Purpose.

The purpose of the Old Fitzhugh Road historic overlay district is to provide design guidance and standards that:

- i. recognize the rustic architectural character and landscapes of the historic small farmsteads in the district
- ii. promote the historic renovation and landscape preservation of properties in the district and
- iii. support the adaptive reuse and revitalization of properties in the district.

##### b. Preferred or Additional Uses.

d. Preferred or additional uses permitted in the Old Fitzhugh Road Historic District include uses that reinforce the rustic and eclectic character of the district, with residential and mixed uses along Old Fitzhugh Road, and retail and/or commercial uses along RR 12. These include:

- a. Farmer's market, Farm to table operations or Agrihoods, which may include orchards, greenhouses, plant nurseries, and accessory livestock and stables.
- b. Farmer's Markets may also include limited footprint accessory outdoor entertainment, such as playground, mini putt or archery.
- c. Corner retail and live/work spaces.

##### c. Design

###### a. Dimensions

i. Building Height. The maximum allowable building height in the Old Fitzhugh Road

**Commented [SV31]:** Is 75 percent feasible?

**Commented [SV32]:** Any additional references to permitted fencing materials etc.? List of native plants? Verify.

**Commented [MF33]:** Compare to Landscape & Tree Preservation Ordinance, it may be more strict in some ways and requiring this to be revised.

**Commented [SV34R33]:** Updated to reflect the strictest standards for both the Tree Preservation and Historic District Design Standards. Tree preservation ordinance requires preservation of 40% of standard trees (8" to 17.99" DBH) and 100% Heritage Trees (18" DBH and up). The Historic District requires replacement of Trees over 8" and preservation of trees 24" and more DBH.

**Commented [SV35]:** Verify sidewalk requirements in transportation plan and downtown master plan.

historic district is limited to two (2) to two and a half (2.5) stories or 40 feet.

ii. Building Width. Building widths may not exceed forty-five (45) feet along Old Fitzhugh Road; Building widths may not exceed sixty (60 feet) along RR 12. Buildings must include articulation at a maximum of 45-foot increments.

iii. Building Footprint. The maximum allowable building footprint in the historic district is 5,000 square feet for a contiguous building footprint, with maximum massing increments of 2,500 square feet.

iv. Front yard setbacks. The minimum front yard setback is ten (10) feet.

v. Side yard setbacks. The minimum side yard setback is five (5) feet.

vi. Rear yard setbacks. The minimum rear yard setback is ten (10) feet.

b. Building Orientation. Primary building entry shall be oriented toward the street of the building's address.

c. Building Facades.

i. Building materials. Buildings shall maintain historic native stone or wood for all outer walls (minimum of 75% of net square footage). Porches and trims shall be constructed of wood.

ii. Porches. All primary building entrances facing Old Fitzhugh Road or RR 12 shall be covered by an awning or porch, that will extend across a minimum of 50% of the building façade.

i. Roofs. Roofs shall be sloped metal roofs or 30-year composition shingles of a type or finish approved by the City of Dripping Springs.

d. Parking. For commercial uses in the historic district, minimum on-site parking shall be seventy-five (75) percent of the minimum requirement of Section 5.A Development Standards and Land Use Regulations, Off-street Parking and Loading. On-site parking shall be located to the rear of the building. Limited parking in the front yard may also be permitted, however, existing trees must be protected and preserved.

e. ~~Patios, Fences and landscaping. Patios, decks, courtyards and gardens~~ must be located at the rear of properties along Old Fitzhugh Road. Historic walls, gates, fences, outbuildings, cisterns, and notable landscape features shall be preserved. ~~Trees over 8 inches diameter breast height will be replaced, and heritage trees over 18 inches diameter breast height shall be preserved. Landscape plantings shall comply with the CODS native plant list.~~

f. Sidewalks shall tie in with the Shared Use Paths and pedestrian improvements along Old Fitzhugh Rd, and future roadway improvements planned in the City's Transportation Master Plan whenever possible, including 8 foot sidewalks along Old Fitzhugh and RR12 whenever feasible.

#### 4.3.7. Hays Street Historic Overlay District

b. Purpose.

**Commented [SV36]:** Is 75 percent feasible?

**Commented [SV37]:** Any additional references to permitted fencing materials etc.? List of native plants? Verify.

**Commented [MF38]:** Compare to Landscape and Tree Preservation Ordinance

**Commented [SV39R38]:** Updated to reflect the strictest standards for both the Tree Preservation and Historic District Design Standards. Tree preservation ordinance requires preservation of 40% of standard trees (8" to 17.99" DBH) and 100% Heritage Trees (18" DBH and up). The Historic District requires replacement of Trees over 8" and preservation of trees 24" and more DBH.

**Commented [SV40]:** Verify sidewalk requirements in transportation plan and downtown master plan.

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The purpose of the Hays Street historic overlay district is to provide design guidance and standards that:

- i. recognize the architectural character and landscapes of this historic neighborhood
- ii. protect and preserve the historic neighborhood character, scale, and streetscape
- iii. support the adaptive reuse and context-sensitive infill of properties within this district.

c. Preferred or Additional Uses.

Preferred or additional uses permitted in the Hays Street historic district include residential uses along Hays Street, and retail and commercial mixed uses along US 290 that are compatible with the neighborhood character of the district. These include:

- a. Corner retail and live/work spaces, with retail on the first floor and living quarters on the second floor or rear of the building.
- b. Attached residential housing.

d. Design

a. Dimensions

- i. Building Height. The maximum allowable building height in the along Hays Street historic district is limited to one and a half (1.5) to two (2) stories or 40 feet.
- ii. Building Width. Building widths may not exceed forty (40) feet along Hays Street; Building widths may not exceed sixty (60 feet) along US 290. Buildings must include articulation at a maximum of 40-foot increments.
- iii. Building Footprint. The maximum allowable building footprint in the historic district is 5,000 square feet for a contiguous building footprint, with maximum massing increments of 3,500 square feet.
- iv. Front yard setbacks. The minimum front yard setback is ten (10) feet.
- v. Side yard setbacks. The minimum side yard setback is five (5) feet.
- vi. Rear yard setbacks. The minimum rear yard setback is ten (10) feet.

b. Building Orientation. Primary building entry shall be oriented toward the street of the building's address.

c. Building Facades.

- i. Building materials. Buildings shall maintain historic native stone or wood for all outer walls (minimum of 75% of net square footage). Porches and trims shall be constructed of wood.
- ii. Porches. All primary building entrances shall be covered by an awning or porch, that will extend across a minimum of 50% of the building façade.
- iii. Roofs. Roofs shall be sloped metal roofs or 30-year composition shingles of a type or finish approved by the City of Dripping Springs.

d. Parking. Residential parking shall require onsite garages. For commercial or retail uses in

the historic district, minimum on-site parking shall be ~~seventy-five (75)~~ percent of the minimum requirement of Section 5.A Development Standards and Land Use Regulations, Off-street Parking and Loading. On-site commercial parking shall be located to the rear of the building or in side yards.

**Commented [SV41]:** Is 75 percent feasible?

e. Fences and landscaping. Historic walls, gates, fences, outbuildings, cisterns, and notable landscape features shall be ~~preserved~~. Trees over 8 inches diameter breast height will be replaced, and heritage trees over 18 inches diameter breast height shall be preserved. Landscape plantings shall comply with the CODS native plant list.

**Commented [SV42]:** Any additional references to permitted fencing materials etc.? List of native plants? Verify.

f. Sidewalks. Sidewalks shall be a minimum of 5 foot wide whenever it is feasible to add sidewalks in the Hays District.

**4.3.3.4.3.8. Compliance required :**

The ~~historic~~ ~~Design Guidelines implementation manual~~ ~~Ordinance~~ ~~adopted as appendix A to Ordinance No. 201951~~ ~~Appl~~ persons, buildings, properties sites and structures located within the historic districts shall comply with the historic preservation ordinance and the design guidelines included in the implementation manual adopted by this ordinance. In the case where another ordinance of this code, including chapter 30, zoning ordinance, and this section or implementation manual conflict, this section and implementation manual shall control.

**Commented [SV43]:** Deleted this section because it is a repetition of an earlier section

**Commented [MF44]:** update

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**4.3.4.4.3.9. Incentives :**

All buildings, properties, sites, and structures located within the historic districts are eligible for consideration for the provision of incentives pursuant to the ~~Design Guidelines implementation manual~~ adopted by the city council.

**4.3.5.4.3.10. Enforcement and penalty:**

It shall be a violation of this ordinance to alter, demolish, or remove any exterior feature of any designated historic landmark or any included structure within an historic district that is named as a "resource" in the ~~most recently approved~~ Dripping Springs Historic ~~-District Resource Surveys~~ ~~Preservation Program Implementation Manual~~ ~~without a Certificate of Appropriateness~~, no matter their listed priority. A person commits an offense of this ordinance when they alter, demolish, or remove any exterior feature of any designated historic landmark or any included structure within an historic district that is named as a "resource" in the most recently approved Dripping Springs Historic District Resource Surveys without a Certificate of Appropriateness, no matter their listed priority. More specifically, offenses include:

**Commented [MF45]:** Revise this section to specify what constitutes an offense

- a. altering the exterior elevations of a historic resource facing a public ROW without a Certificate of Appropriateness or;
- b. deviating from site and building plans previously approved by Certificate of Appropriateness without requesting a HPC or HPO review of the updated plans or;
- c. demolishing or relocating a historic resource, building, or outbuilding located within the historic districts without obtaining a Certificate of Appropriateness or;
- d. removing Heritage trees without a waiver from the City's Design Review Committee and a Certificate of Appropriateness.

Any person violating this ordinance is subject to the following:

- (a) Civil and criminal penalties : The city shall have the power to administer and enforce the

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provisions of this ordinance and to seek civil and criminal penalties. Any violation of this division is hereby declared to be a nuisance.

- (b) Criminal prosecution: Any person violating any provision of this division shall, upon conviction, be fined a sum not to exceed ~~ing \$500.00, or~~ \$2,000.00 if the violation governs fire safety, zoning, public health, or sanitation, and in all other cases a sum not exceeding \$500.00. Each day that a provision of this division is violated shall and may constitute a separate offense. An offense under this division is a misdemeanor.
- (c) Civil remedies: Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division, and to seek remedies as allowed by law, including, but not limited to the following:
  - (1) Applicant's loss of eligibility to receive Historic Preservation incentives, as outlined in Resolution No. 2015-26, Attachment A below:

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*Attachment "A"*

**CITY OF DRIPPING SPRINGS  
 INCENTIVES FOR HISTORIC DISTRICT AND LANDMARK  
 DESIGNATION, ZONING, RESTORATION, AND PRESERVATION**

	<b>Mercer</b>	<b>Old Fitzhugh</b>	<b>Hays</b>	<b>Landmark</b>
<b>Site Development</b>				
90% impervious cover	✓	N/A	N/A	N/A
0% downstream buffer	✓	N/A	N/A	N/A
Waiver of Site Development Permit Application Fees	✓	✓	✓	✓
<b>Grant Applications</b>				
Eligible for help with grant requests	✓	✓	✓	✓
<b>Zoning</b>				
0' front building setback	✓	N/A	N/A	N/A
10' rear building setback	✓	N/A	N/A	N/A
0' side building setback	✓	N/A	N/A	N/A
Waiver of Zoning Classification Change Request Fee	✓	✓	✓	✓
Waiver of Zoning Ordinance Amendment Request Fee	✓	✓	✓	✓
Waiver of Conditional Use Permit Application Fee	✓	✓	✓	✓
<b>Building Code</b>				
20% reduction in Building Permit Fees	✓	✓	✓	✓
Expedited review process	✓	✓	✓	✓
<b>Signage</b>				
Waiver of Sign Permit Application Fees	✓	✓	✓	✓
<b>Food Establishment</b>				
Waiver of Food Establishment Permit Fees	✓	✓	✓	✓
Waiver of Food Establishment Plan Review Fees	✓	✓	✓	✓
<b>Use of Public Right-of-Way</b>				
Waiver of Temporary Public Right-of-Way Usage Permit Fee	✓	✓	✓	✓
Waiver of Temporary Public Street Closure Permit Fee	✓	✓	✓	✓
<b>Certificate of Appropriateness</b>				
Waiver of Certificate of Appropriateness Application Fee	✓	✓	✓	✓
Waiver of Professional Services Fees for Pre-Submittal Scoping Session	✓	✓	✓	✓

(2)

(4)(3) Any person violating this division is subject to suit for injunctive relief as well as prosecution for civil and criminal violations.

(Ordinance 2020-26, adopted 6/9/20)

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Division 3. Historic Districts

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~~(Ordinance 2020-26, adopted 6/9/20)~~

- CODE OF ORDINANCES  
Chapter 30 - ZONING  
Division 3. Historic Districts

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