



Historic Preservation Commission Regular Meeting

Dripping Springs City Hall

511 Mercer Street - Dripping Springs, Texas

Thursday, August 06, 2026, at 4:00 PM

AGENDA

CALL TO ORDER & ROLL CALL

Commission Members

Dean Erickson, Chair
Ashley Bobel, Vice Chair
Delbert Bassett
Pamela Weinhammer
Steve Mallett
Richard Moore
Gwyn Sommerfeld

Staff, Consultants, & Appointed/Elected Officials

City Administrator Michelle Fischer
City Attorney Aniz Alani
Planning Director Tory Carpenter
Senior Planner Sara Varvarigos
City Secretary Diana Boone

PRESENTATION OF CITIZENS

A member of the public that wishes to address the Commission on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the Commission that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the Commission must present the documents to the City Secretary or City Attorney providing at least eight (8) copies; if eight (8) copies are not provided, the Commission will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Chair may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

MINUTES

- 1. Consider approval of the July 2, 2026 Historic Preservation Commission regular meeting minutes.**

BUSINESS AGENDA

- 2. Public hearing, discussion, and consideration of approval of COA2026-004, a request for a Certificate of Appropriateness for the rehabilitation and renovation of 299 Mercer Street, with a steakhouse restaurant concept named Thurman's as the proposed adaptive use. Applicant: Kristin Schieffer.**

- a. Applicant Presentation
- b. Staff Report
- c. Public Hearing
- d. COA2026-004

- 3. Discussion and possible action on proposed amendments to the City of Dripping Springs' Historic Preservation Ordinance and Historic District Ordinance.**

CLOSED SESSION

The Commission has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), 551.0761 (Deliberation Regarding Critical Infrastructure Facility), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

UPCOMING MEETINGS

Historic Preservation Commission Meetings

September 3, 2026 at 4:00 p.m.
October 1, 2026 at 4:00 p.m.
November 5, 2026 at 4:00 p.m.
December 3, 2026 at 4:00 p.m.

City Council Meetings

August 11, 2026 (Special Meeting) at 5:30 p.m.
August 18, 2026 at 6:00 p.m.
September 1, 2026 at 6:00 p.m.
September 15, 2026 at 6:00 p.m.
October 6, 2026 at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, www.cityofdrippingsprings.com, on July 29, 2026 at 3:00 p.m.

Diana Boone, City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



Historic Preservation Commission Regular Meeting

Dripping Springs City Hall

511 Mercer Street - Dripping Springs, Texas

Thursday, July 02, 2026, at 4:00 PM

DRAFT MINUTES

CALL TO ORDER & ROLL CALL

With a quorum of commissioners present Chair Erickson called the meeting to order at 4:03 p.m.

Commission Members Present

Dean Erickson, Chair
 Delbert Bassett, arrived at 4:05 p.m.
 Pamela Weinhammer
 Steve Mallett
 Gwyn Sommerfeld

Commission Members Absent

Ashley Bobel, Vice Chair
 Richard Moore

Staff, Consultants, & Appointed/Elected Officials

City Administrator Michelle Fischer
 Deputy City Administrator Shawn Cox
 Senior Planner Sara Varvarigos
 City Secretary Diana Boone
 Mayor Pro Tem Taline Manassian

PRESENTATION OF CITIZENS

A member of the public that wishes to address the Commission on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the Commission that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the Commission must present the documents to the City Secretary or City Attorney providing at least eight (8) copies; if eight (8) copies are not provided, the Commission will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Chair may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

No one spoke during the Presentation of Citizens.

MINUTES

1. **Consider approval of the June 4, 2026 Historic Preservation Commission regular meeting minutes.**

A motion was made by Commissioner Weinhammer and seconded by Commissioner Mallett, to approve the June 4, 2026 meeting minutes. The motion carried unanimously 4 to 0. Commissioner Bassett was not present to vote.

BUSINESS AGENDA

2. **Discussion and possible action on the Historic Preservation Commission's Fiscal Year 2027 Budget recommendation.** *Steve Mallett and Richard Moore, Committee Members*

Commissioner Bassett arrived during the start of this item.

No action was taken.

3. **Workshop to facilitate discussion on a proposed Concept Plan for 505 and 519 Old Fitzhugh Road, i.e. "the Old Fitz Social Club", which includes a restaurant, casitas, outdoor recreational space, warm and cold plunge pools, enclosed pickle ball courts, and a retail shop.** *Applicant: James McCormick on behalf of D&A Companies.*

- a. Applicant Presentation

James McCormick and Travis Wilson presented on behalf of D&A Companies.

- b. Staff and HPC feedback on preliminary Concept Plan

Feedback from the commission included questions regarding the preservation of the historic district's character, the width requirements for the proposed wrap around driveway, and the projects phasing plan. The committee also requested a Heritage Tree Preservation Report and recommended that the applicant return to the commission in August for further review and feedback.

4. **Workshop to facilitate the Historic Preservation Commission's review of a Draft Historic District Design Guidelines document.**

No action taken.

5. **Discussion and possible action on proposed amendments to the City of Dripping Springs' Historic Preservation Ordinance and Historic District Ordinance.**

A motion was made by Commissioner Mallett and seconded by Commissioner Sommerfeld, to postpone this item. The motion carried unanimously 5 to 0.

CLOSED SESSION

The Commission has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), 551.0761 (Deliberation Regarding Critical Infrastructure Facility), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

The commission did not meet in Closed Session.

ADJOURN

Chair Erickson adjourned the meeting at 5:22 p.m.



HISTORIC PRESERVATION MANUAL CERTIFICATE OF APPROPRIATENESS REVIEW

Date: **August 6, 2026**

Project: **Thurman's Restaurant, 299 Mercer, Dripping Springs, TX 78620**

Applicant: **Kristin Schieffer**

Historic District: **Hays Street Historic District**

Base Zoning: **Commercial Services**

Proposed Use: **Restaurant on Mercer St**

Submittals: ☒ Current Photograph ☒ Concept Plan ☒ Exterior Elevations
☒ Color & Materials Samples ☐ Sign Permit Application

The following review has been conducted by the City of Dripping Springs to determine compliance and consistency with the City of Dripping Springs CODE OF ORDINANCES, Title 2 BUILDING AND DEVELOPMENT REGULATIONS, Chapter 24, BUILDING REGULATIONS, Article 24.07: HISTORIC PRESERVATION, Section 24.07.014: "CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS."

Project Type & Description:

This project consists of an adaptive reuse, rehabilitation, and renovation of the "Haydon Central Garage" building, which was built in 1937, serving as a Magnolia (Mobil) Gas station and garage. The former Gas station features a combination of petrified wood, fieldstone, and ironstone veneer along its original building elevations, and is a contributing structure to the Mercer St National Register Historic District.

Review Summary, General Findings: **"Approval with Conditions"**

General Compliance Determination- ☒ Compliant ☐ Non-Compliant ☐ N/A

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725

Staff Recommendations / Conditions of Approval:

The Mercer St Historic District design guidelines require the preservation of native stone or wood on all walls for 75% of the net square footage area. The applicant will preserve all the existing stone along the building's existing elevations, and is also proposing a new building addition of approximately 2,050 SF, in a Stucco finish.

The portion of the existing building that is adjoining the proposed addition features wood siding. Staff considers that the selection of an alternative material that is more closely aligned with the existing wood siding (for example a wood or cementitious Hardi-plank siding with an elevation and wood grain finish that is compatible with the original wood siding) would be a more appropriate choice than the proposed Stucco, as Stucco is not a material that is consistent with the Historic District Design Guidelines.

In addition, the applicant is proposing to replace several existing windows and doors with new windows and doors. Staff recommends preserving, repairing, and restoring original windows and doors whenever feasible. Any new or replacement windows and doors must be compatible and appropriate with the existing historic building profiles. Since the plans submitted with the COA application remain conceptual, additional review by Staff will be required for these and other items before any approval of building permits.

As such, Staff recommends approval of the Certificate of Appropriateness with the following conditions:

- a. **The exterior cladding of all existing elevations must be preserved. Clarify if there will be any repair to the existing rear elevation façade material or if this will remain as-is.**
- b. **The final colors and materials palette for the new building addition shall be architecturally compatible with the existing building and comply with established Mercer St Design Standards. These materials shall be reviewed & approved by City Staff prior to issuance of Building Permits.**
- c. **The existing historic windows, doors, and trims along the Mercer Street façade shall be preserved and repaired whenever feasible. Any new or replacement window and door materials, trim colors, and details on all the existing and new building elevations shall be reviewed & approved by City Staff prior to the issuance of Building Permits. These new building elements shall be compatible, consistent, and complementary to the building's history.**
- d. **Flat roofs may be allowed behind parapets for the proposed building additions per historic districts guidelines; all rooftop equipment shall be screened from view from any adjacent property line, per City Ordinance.**
- e. **The proposed wall signs in the COA plans will require variances as these exceed the maximum number of permitted wall signs. The proposed weathervane roof sign and middle pole sign are considered appropriate. However, the second triangular exterior pole sign design is not considered historically appropriate, as it was added sometime after the historically contributing period of the National Register- Listed Mercer Historic District (1855-1945).**

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725

- f. **The proposed storage container needs additional design information and is not a part of this COA. It must be compatible in design and materials with the existing building, and meeting all applicable regulations, codes, and standards.**
- g. **The proposed dumpster shown in the conceptual plan shall be screened from view via an enclosure that will be reviewed for compliance with City Ordinance prior to issuance of City Building permits.**
- h. **The proposed low wall enclosing a portion of the outdoor Mercer patio seating area shall be of a material that is of a consistent color and finish with the proposed trellis canopies and planters on the site for the proposed low wall area.**

Case History / Findings of Fact:

This property is centrally located in the Mercer District, and was historically used as a garage until 1964. The Historic Preservation Commission previously reviewed applications for Certificates of Appropriateness for a restaurant concept named Roxie's at this location.

The current applicant is requesting a Certificate of Appropriateness for the adaptive reuse of the existing building to house Thurman's Steakhouse restaurant. This exterior scope of this project includes the following updates:

- New exterior doors and windows along the existing concrete masonry block portion of the front Mercer St façade
- A new prefabricated aluminum entrance awning and replacement of 3 existing doors (2 man doors and 1 rollup garage door) along the College St façade (2 new doors, and 1 new window)
- New metal planters and prefabricated trellis canopies along the front Mercer St and side College St elevations that are a weathered rust color, inspired by the existing pole sign bases on-site.
- 2 decorative gas station architectural elements along the front Mercer St façade
- New floor to ceiling windows along the rear elevation, which will replace the existing corrugated metal wall and man-door
- New 2,050 SF building addition
- Updated pedestrian access, landscaping, vehicular access/egress, and parking along College St and Mercer St
- New on-site rear lot parking spaces, dumpster area and storage building (details for dumpster and storage building design to be provided prior to obtaining permits)
- Updated signage (weathervane on roof, 2 existing pole signs along Mercer St, and 2 new wall signs on the interior side and rear elevation walls); Staff notes that three variances will be required to exceed the maximum number of wall signs, and a variance will be required to use the pole signs (lost non-conforming status)

* * *

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725

CERTIFICATE OF APPROPRIATENESS- Staff Review Summary:

Historic Resource Background /Survey Information:

Mercer Historic Resource Preservation Priority Rating: “High” – This is a contributing structure in the National Register Historic District, as well as a contributing structure in the National Register Listed Historic District.

* * *

Design Standards Consistency: “Mercer Historic District”

Character/Vision: Consistent: “Preserve Historic Resources- Rehab & Adaptive Re-Use; Promote Revitalization. Foster a Community Focal Point.” – This project proposes a sensitive rehabilitation and adaptive reuse of a community focal point at an important intersection in the Mercer District.

Design Principles: Consistent: “Protect Historic Pedestrian Scale & Main Street Character; Promote Walkable Scale & Sidewalk Activity Zones; Provide Pedestrian Shading Devices Along Sidewalk Frontages; New Construction shall be compatible with surroundings.” – This project proposes several planters, shaded canopy seating areas and trellises for outdoor dining along Mercer and College St, reinforcing the pedestrian scale and fostering sidewalk activity.

Preferred Uses: Consistent: “Pedestrian- Oriented.” Outdoor dining contributes to pedestrian activity and Family-friendly uses on Mercer and College St)

Site Planning & Building Placement: Consistent: (Existing) Building Placement not affected. New Additions appear to comply with setbacks (0’ Front & Sides, 10’ Rear).

Parking Arrangement: Consistent: “Parking at rear of lot”. Site plan shows both on-site parking located at the rear of the building, and on-street street parking, which may also count toward required parking in the Mercer District.

Building Footprint / Massing / Scale: Consistent: “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.” The existing building (4,281 SF) and proposed addition (2,050 SF) comply with building footprint & massing increments.

Street Frontage / Articulation: Consistent: “Building widths may not exceed forty (40) feet or must include articulation at a maximum of 40-foot increments.” The existing building (with proposed additions) complies with storefront width and articulation requirements.

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725

Porches: Consistent: “ 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.” Existing building canopy, with proposed Trellis Patio additions complies with this requirement.

Roofs: Conditional: “ Roofs shall be flat parapets or sloped metal roofs (standing seam or other approved type & finish): Preservation of the existing Building metal roofs complies with standing seam Roof Requirements. Flat Roofs for building additions will comply if they are behind parapets, and rooftop equipment screening requirements shall be reviewed by Staff for compliance prior to building permits being issued.

Materials: Conditional: “Native stone or wood on all walls, and wood porch structures and trims” – While this project does not modify the material of the existing stone siding along the Mercer and College St facades, it does propose a new building addition and several new or replacement windows, trims and doors, which must be reviewed by staff for compliance and compatibility with existing building and district guidelines for materials, prior to building permits being issued.

Color Palette: Conditional: “Muted Earth Tones, full range of colors for exterior doors” – Exterior Color Palette at proposed building additions shall be compatible and consistent with the building’s history. Colors shall be reviewed by Staff at Design Development and comply with Design and Development Standards.

Tree Preservation: Consistent: “Replace trees over 8ft; Preserve heritage trees over 18 ft¹” – No trees will be removed for this project.

Landscape Features: Consistent: “Preserve historic walls, gates, fences, outbuildings, cisterns, and notable landscape features” – Landscaping will be added along Mercer and College St, planters will be a rustic color that is inspired by existing pole signs on site.

CRITERIA FOR CERTIFICATE OF APPROPRIATENESS **(SECTION 24.07.014)**

(a) STANDARDS & DESIGN GUIDELINES OBSERVED:

Project is guided by applicable Historic Preservation Standards and Design Guidelines.
Conditions in report must be met in order to be compliant.

☒ Compliant ☐ Non-Compliant ☐ Not Applicable

(b) MINIMAL ALTERATION:

Reasonable efforts made to adapt property requiring minimal alteration of building, structure, object site & environment.

☒ Compliant ☐ Non-Compliant ☐ Not Applicable

¹ Updated Landscaping and Tree Preservation ordinance requires the preservation of all Heritage trees over 18 ft.

- (c) **ORIGINAL QUALITIES PRESERVED:**
Distinguishing original qualities or characteristics not destroyed. Removal or alteration of historic material or distinguishing architectural features avoided.
- Compliant ☒ Non-Compliant ☐ Not Applicable ☐
- (d) **PERIOD APPROPRIATENESS:**
Buildings, structures, objects, sites recognized as products of their own time. Alterations without historic basis or creating an earlier appearance discouraged.
- ☒ Compliant ☐ Non-Compliant ☐ Not Applicable
- (e) **CUMULATIVE & ACQUIRED SIGNIFICANCE:**
Cumulative changes with acquired and contributing significance are recognized and respected.
- Conditions in report must be met in order to be compliant.* ☐
- ☐ Compliant ☐ Non-Compliant ☐ Not Applicable
- (f) **DISTINCTIVE STYLISTIC FEATURES & CRAFTSMANSHIP:**
Distinctive stylistic and characteristic features and examples of skilled craftsmanship are retained where possible.
- ☒ Compliant ☐ Non-Compliant ☐ Not Applicable
- (g) **DETERIORATED ARCHITECTURAL FEATURES:**
Deteriorated architectural features repaired rather than replaced. Necessary replacements reflect replaced materials. Repair or replacement based on historical evidence not conjecture or material availability.
- Conditions in report must be met in order to be compliant.*
- ☐ Compliant ☐ Non-Compliant ☐ Not Applicable
- (h) **NON-DAMAGING SURFACE CLEANING METHODS:**
Surface Cleaning Methods prescribed are as gentle as possible. No sandblasting or other damaging cleaning methods.
- Staff to verify compliance during rehabilitation.*
- ☐ Compliant ☐ Non-Compliant ☐ Not Applicable
- (i) **ARCHEOLOGICAL RESOURCES PRESERVED:**
Reasonable efforts made to protect and preserve archeological resources affected by, or adjacent to project.
- ☐ Compliant ☐ Non-Compliant ☒ Not Applicable

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725

- (j) **CONTEMPORARY DESIGN- CONTEXT SENSITIVE & COMPATIBLE:**
Contemporary alterations & additions do not destroy significant historical, architectural, or cultural material and are compatible with the size, scale, color, material and character of the property, neighborhood or environment.
Conditions in report must be met in order to be compliant.

☒ Compliant ☐ Non-Compliant ☐ Not Applicable

- (k) **RETROVERSION- ESSENTIAL FORM & INTEGRITY UNIMPAIRED:**
Future removal of new additions & alterations will leave the essential form & integrity of building, structure, object or site unimpaired.

☐ Compliant ☐ Non-Compliant ☒ Not Applicable

- (l) **PAINT COLORS- HISTORICAL BASIS:**
Paint colors based on duplications or sustained by historical, physical or pictorial evidence, not conjecture.
Conditions in report must be met in order to be compliant.

☒ Compliant ☐ Non-Compliant ☐ Not Applicable

- (m) **HISTORIC DISTRICT CONTEXT- OVERALL COMPATIBILITY:**
Construction plans are compatible with surrounding buildings and environment - height, gross volume and proportion.

☒ Compliant ☐ Non-Compliant ☐ Not Applicable

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (SECTION 24.07.015)

- (g) **EXPEDITED PROCESS FOR SMALL PROJECTS: ELIGIBILITY = “Not Eligible”**
Expedited process for small projects (cumulative costs < \$10,000); must be “No” to all:

Building Footprint Expansion/Reduction?	☐ Yes	☒ No
Façade Alterations facing Public Street or ROW?	☒ Yes	☐ No
Color Scheme Modifications? <i>Additional info req'd</i>	☒ Yes	☐ No ☐
Substantive/Harmful Revisions to Historic District?	☐ Yes	☒ No

* * *

Please contact svarvarigos@cityofdrippingsprings.com if you have any questions regarding this review.

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725

Reviewed By: Sara Varvarigos, AICP, City of Dripping Springs



“Current Conditions, view from Mercer St”. Applicant image 2026 and Google Maps image.

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725



“Current Conditions, view from College St”. Applicant image, 2026 and Google Maps image.

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725



“Current Conditions, view from interior/ rear parking lot”. Applicant image, 2026



“Current Conditions, view from Interior Side Elevation. Applicant images,

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725



Historic Photo. Waits, C. (2003). The Complete History of Dripping Springs And the P.A. Smith Survey.



Historic Resource Survey image. (1988) HHM

City of Dripping Springs
P.O. Box 384
Dripping Springs, Texas 78620
512-858-4725



DRIPPING SPRINGS
RENTAL CENTER
858-5337



N. College St

Mercer St







TEXAS DIVISION A.A.A.

RESERVED
PARKING



VAN
ACCESSIBLE

299

Facebook









DRIPPING SPRINGS
RENTAL CENTER
(512) 858-5337
1-800-299-8262

STOP

Mercer

Edward Jones

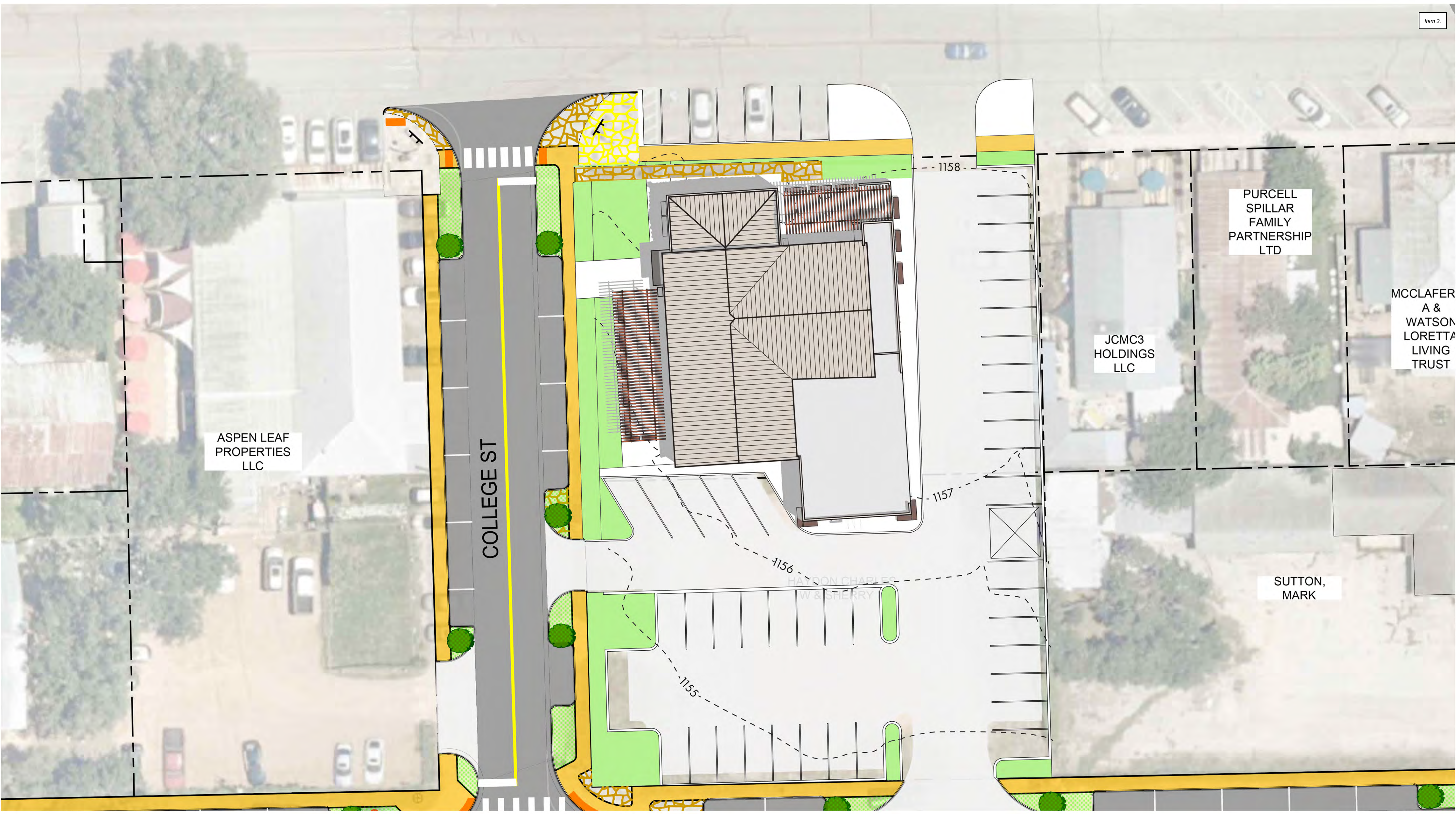
WOOLSEY
DESIGN/BUILD
830-317-1717

DRIPPING SPRINGS
RENTAL CENTER
(512) 858-5337
1-800-299-8262

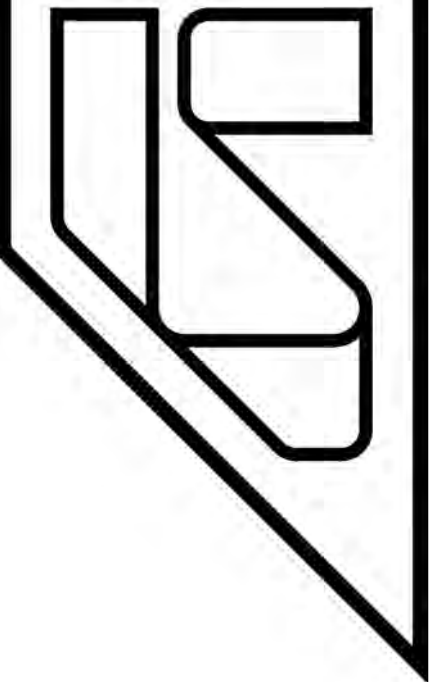
ADIE
BURCHE
GENERAL CONTRACTOR







THURMAN'S
DRIPPING SPRINGS, TEXAS



ALIGN
AUSTIN ARCHITECTS

THURMAN'S
299 MERCER STREET
DRIPPING SPRINGS, TEXAS

COPYRIGHT © 2024. ALL RIGHTS RESERVED.
THESE DESIGNS/ DRAWINGS ARE THE SOLE
PROPERTY OF ALIGN AUSTIN ARCHITECTS
LLC AND MAY NOT BE REPRODUCED IN ANY
FORM, BY ANY METHOD, FOR ANY PURPOSE
WITHOUT PREVIOUS WRITTEN PERMISSION.

NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION.

THIS DOCUMENT IS RELEASED FOR
THE PURPOSE OF INTERIM REVIEW
UNDER THE AUTHORITY OF
ARCHITECT:

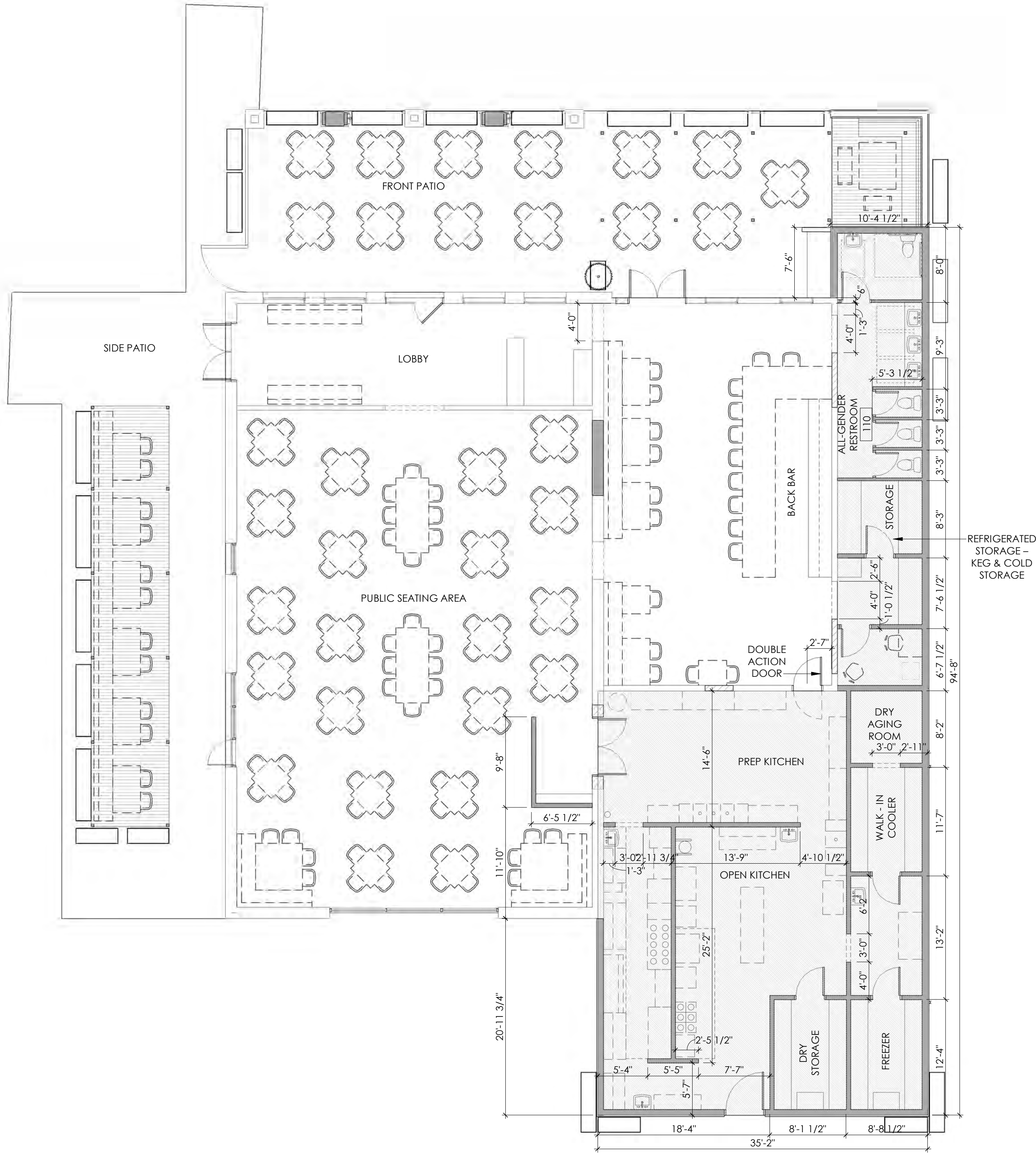
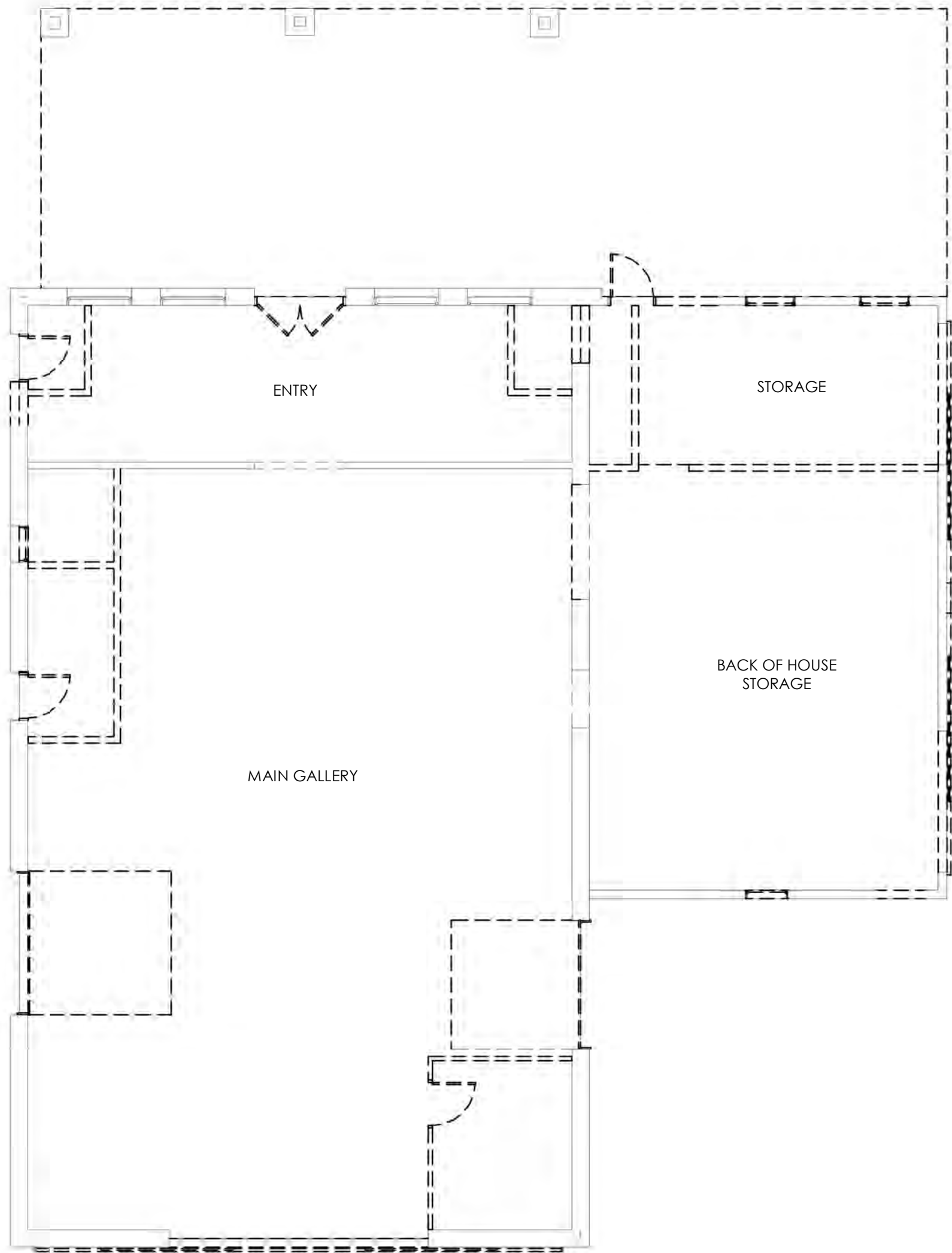
KRISTIN SCHIEFFER

05.27.2026
SD

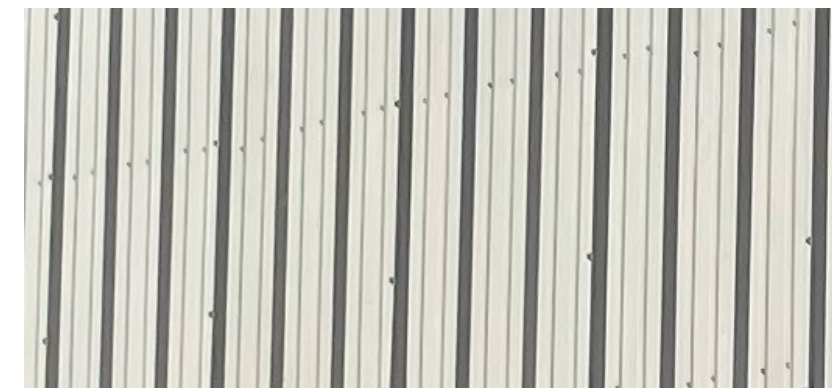
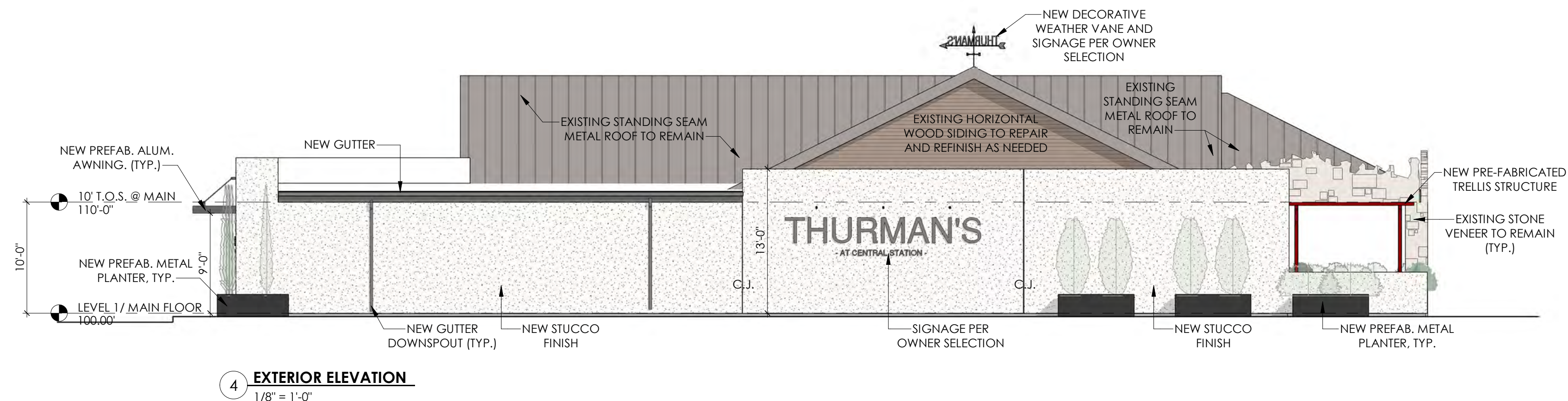
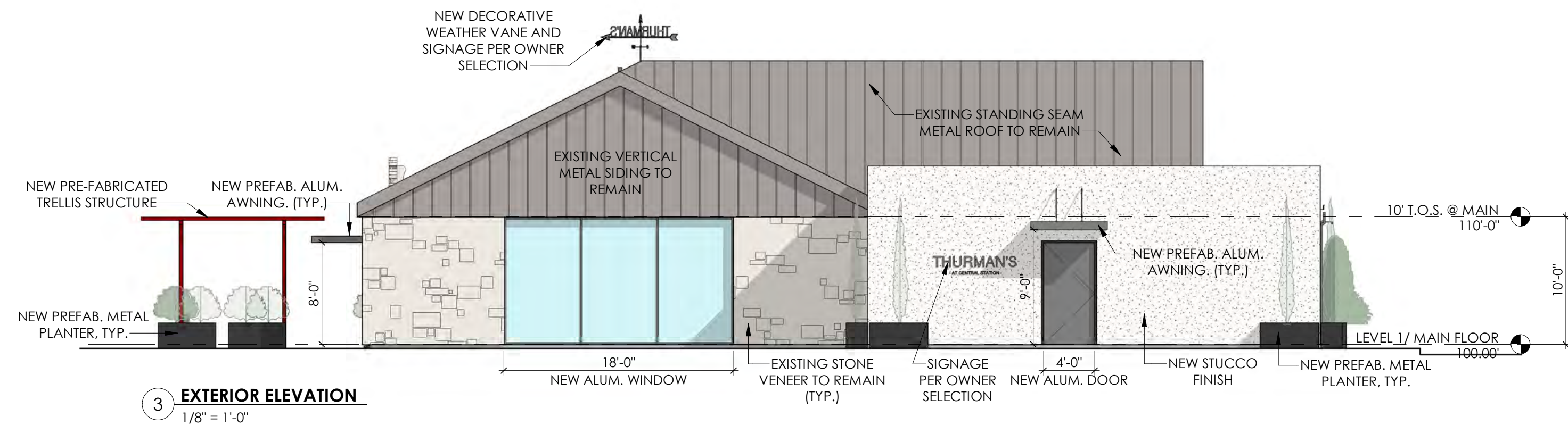
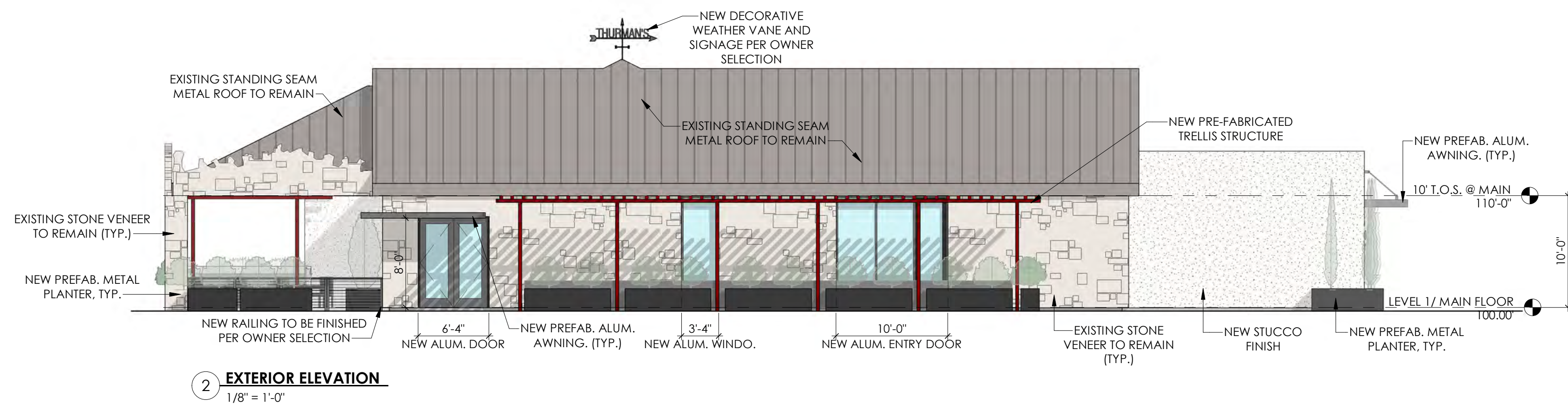
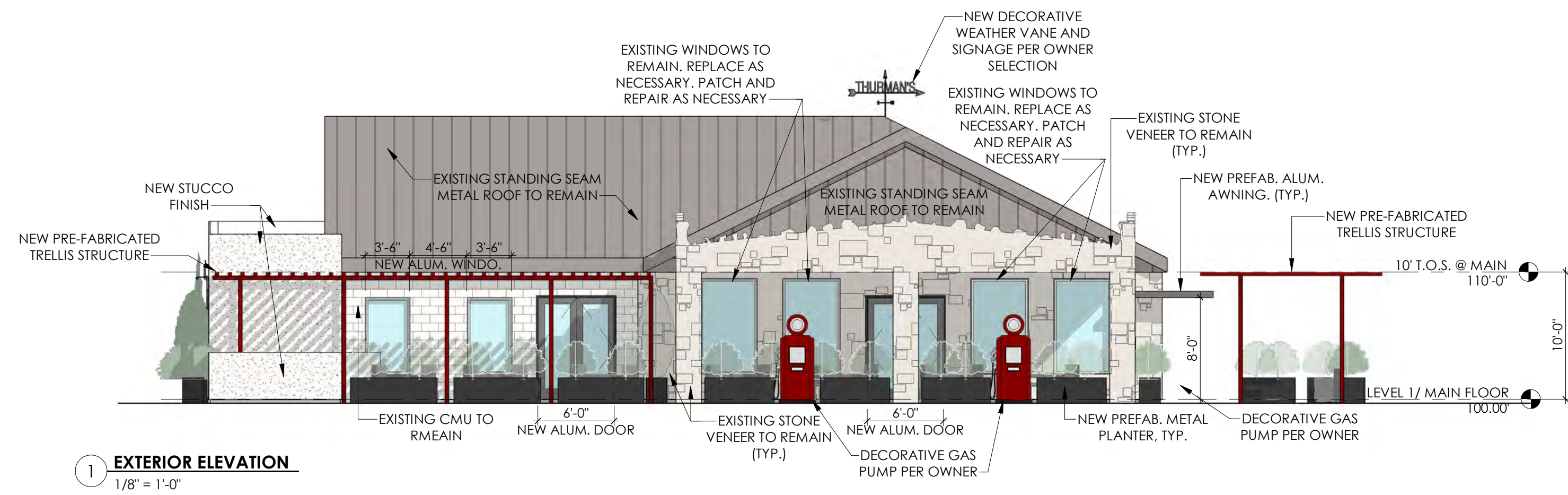
FLOOR PLAN - LEVEL 1

SHEET: A101

PROJECT NO: 26008
DRAWN BY: GG
DATE: 07.22.2026
PROJECT MGR: KS



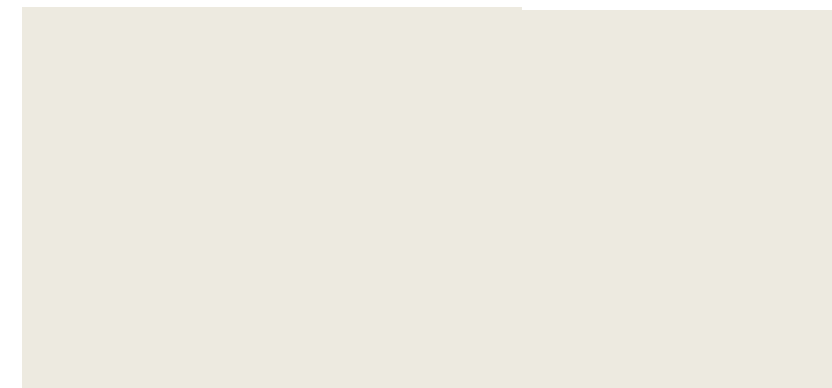
1 FLOOR PLAN
1/8" = 1'-0"



NEW ROOF MATERIAL TO MATCH EXISTING COLOR



EXISTING MASONRY TO REMAIN



PROPOSED NEW STUCCO COLOR TO COORDINATE WITH EXISTING MASONRY



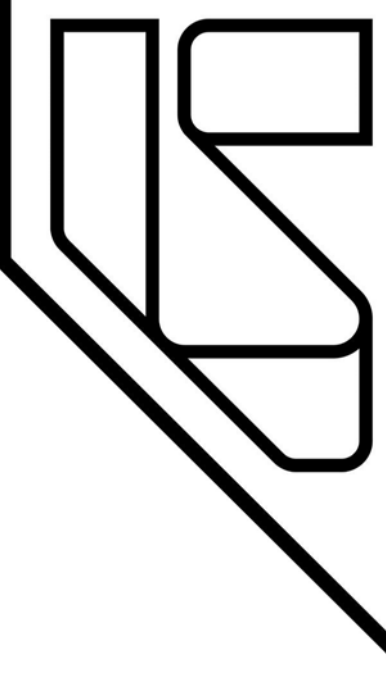
PROPOSED NEW TRELLIS COLOR



PROPOSED NEW METAL PLANTERS

ALIGN

AUSTIN ARCHITECTS



THURMAN'S
299 MERCER STREET
DRIPPING SPRINGS, TEXAS

COPYRIGHT © 2024. ALL RIGHTS RESERVED.
THESE DESIGNS/ DRAWINGS ARE THE SOLE
PROPERTY OF ALIGN ARCHITECTS
LLC AND MAY NOT BE REPRODUCED IN ANY
FORM, BY ANY METHOD, FOR ANY PURPOSE
WITHOUT PREVIOUS WRITTEN PERMISSION.

**NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION.**

THIS DOCUMENT IS RELEASED FOR
THE PURPOSE OF INTERIM REVIEW
UNDER THE AUTHORITY OF
ARCHITECT:

KRISTIN SCHIEFFER

00.00.00
SD

EXTERIOR ELEVATIONS

SHEET: **A201**

PROJECT NO: 26008
DRAWN BY: GG
DATE: 07.22.2026
PROJECT MGR: KS







CERTIFICATE OF APPROPRIATENESS APPLICATION

District Located or Landmark: ☒ Mercer Street ☐ Old Fitzhugh Road ☐ Hays Street

☐ Individual Landmark (Not in an Historic District)

CONTACT INFORMATION

APPLICANT NAME: KRISTIN SCHIEFFER

STREET ADDRESS: 206 S. WILD BASIN RD. BLDG A SUITE 200 AUSTIN, TX 78746

PHONE: 512.294.2218

EMAIL: [REDACTED]

PROPERTY OWNER NAME (if different than Applicant): CHARLIE HAYDON

STREET ADDRESS: 299 MERCER STREET DRIPPING SPRINGS, TEXAS

PHONE: (512) 924-7728

EMAIL: [REDACTED]

PROJECT INFORMATION

Address of Property (Structure/Site Location): 299 MERCER STREET DRIPING SPRINGS, TEXAS

Zoning Classification of Property: COMERCIAL SERVICE

Description of Proposed Use of Property/ Proposed Work: INTERIOR AND EXTERIOR REMODEL OF THE EXISTING HISTORIC BUILDING FOR USE AS A STEAKHOUSE. IMPROVEMENTS INCLUDE INTERIOR RENOVATIONS, BUILDING SYSTEM UPGRADES, AND NEW SIGNAGE. SITE IMPROVEMENTS WILL SUPPORT THE PROPOSED RESTAURANT USE.

Description of How Proposed Work will be in Character with Architectural and/or Historical Aspect of Structure/Site and the Applicable Zoning Requirements: THE HISTORIC CHARACTER OF THE BUILDING WILL BE PRESERVED. NEW WORK WILL BE COMPATIBLE WITH THE EXISTING ARCHITECTURE AND HISTORIC FEATURES. THE PROJECT WILL COMPLY WITH ALL APPLICABLE HISTORIC PRESERVATION AND ZONING REQUIREMENTS.

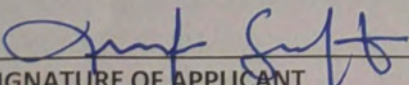
Estimated Cost of Proposed Work: \$1 MILLION

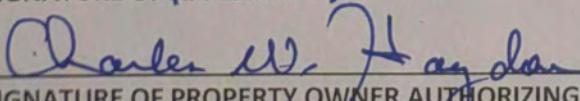
Intended Start Date of Work: SEP 1ST 2026
SEP 1ST 2026

Intended Completion Date of Work: MAY 1ST 2027
MAY 1ST 2027

CERTIFICATE OF APPROPRIATENESS SUBMITTAL CHECKLIST

CHECKLIST		
Staff	Applicant	
☐	☒ X	Current photograph of the property and adjacent properties (view from street/right-of-way)
☐	☒ X	Concept Site Plan: A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map or aerial photo which generally shows the anticipated plan of development
☐	☒ X	Elevation drawings/sketches of the proposed changes to the structure/site
☐	☐	Samples of materials to be used
☐	☐	Color chips of the colors which will be used on the structure (<i>if applicable</i>)
☐	☐	Sign Permit Application (<i>if applicable</i>)
☐	☐	Building Permit Application (<i>if applicable</i>)
☐	☐	Application for alternative exterior design standards and approach (<i>if applicable</i>)
☐	☐	Supplemental Design Information (<i>as applicable</i>)
☐	☒ X	Billing Contact Form
☐	☐	Proof of Ownership-Tax Certificate or Deed


 SIGNATURE OF APPLICANT


 SIGNATURE OF PROPERTY OWNER AUTHORIZING THE WORK

07.22.2026
 Date

7-22-2026
 Date

*****TO BE FILLED OUT BY CITY STAFF*****

Date Received: _____ Received By: _____

Project Eligible for Expedited Process: ☐ Yes ☐ No

Action Taken by Historic Preservation Officer: ☐ Approved ☐ Denied

☐ Approved with the following Modifications: _____

SIGNATURE OF HISTORIC PRESERVATION OFFICER

DATE

Date Considered by Historic Preservation Commission (if required): _____

☐ Approved ☐ Denied

☐ Approved with the following Modifications: _____

Historic Preservation Commission Decision Appealed by Applicant: ☐ Yes ☐ No

Date Appeal Considered by Planning & Zoning Commission (if required): _____

☐ Approved ☐ Denied

☐ Approved with the following Modifications: _____

Planning & Zoning Commission Decision Appealed by Applicant: ☐ Yes ☐ No

Date Appeal Considered by City Council (if required): _____

☐ Approved ☐ Denied

☐ Approved with the following Modifications: _____

Submit this application to City Hall at 511 Mercer St. /P.O. Box 384, Dripping Springs, TX 78620. Call City Hall at (512)858-4725 if you have questions regarding this application.

Project Number: _____ - _____
Only filled out by staff



BILLING CONTACT FORM

Project Name: THURMAN'S

Project Address: 299 MERCER STREET DRIPPINGS, TEXAS

Project Applicant Name: KRISTIN SCHIEFFER

Billing Contact Information

Name: SILVER GARZA

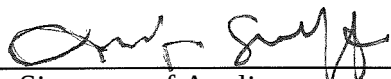
Mailing Address: P.O BOX 311 DRIFTWOOD, TX 78619

Email: [REDACTED] Phone Number: (512) 9178899

Type of Project/Application (check all that apply):

- | | |
|--|--|
| ☐ Alternative Standard | ☐ Special Exception |
| ☒ Certificate of Appropriateness | ☐ Street Closure Permit |
| ☐ Conditional Use Permit | ☐ Subdivision |
| ☐ Development Agreement | ☐ Waiver |
| ☐ Exterior Design | ☐ Wastewater Service |
| ☐ Landscape Plan | ☐ Variance |
| ☐ Lighting Plan | ☐ Zoning |
| ☐ Site Development Permit | ☐ Other _____ |

*Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. **Please see the online Master Fee Schedule for more details.** By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.*


Signature of Applicant

07.22.2026
Date



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Aniz Alani, City Attorney

Commission Meeting Date: August 6, 2026

Agenda Item Wording: Discussion and possible action on proposed amendments to the City of Dripping Springs' Historic Preservation Ordinance and Historic District Ordinance.

Summary/Background: The City has been reviewing updates to its historic preservation regulations. A draft ordinance is provided for Commission review.

Summary of Proposed Changes

The proposed ordinance revisions are intended to improve readability, usability, internal consistency, and administration of the City's historic preservation regulations. Most changes are organizational or clarifying. The principal substantive updates are summarized below.

1. Plain-Language and Formatting Updates

The revised ordinance reorganizes Division 2 into clearer sections with plain-language headings. The revisions are intended to make the ordinance easier for applicants, property owners, staff, the Historic Preservation Commission, and City Council to use.

The revised draft also follows a more consistent ordinance structure, using sections, paragraphs, and subsections so that provisions are easier to cite and administer.

2. Certificate of Appropriateness Process

The revised Division 2 clarifies when a **Certificate of Appropriateness** or **COA** is required and distinguishes among:

- Ordinary repairs and maintenance;
- Administrative COAs for minor work;
- Commission-level COAs;

- Alternative exterior design standards;
- Demolition or relocation requests;
- Economic hardship requests; and
- Enforcement and stop-work procedures.

The revised draft also clarifies that COA review deadlines run from a **complete** or **deemed complete** application, rather than from an incomplete submission.

3. Administrative COA for Minor Work

The revised ordinance clarifies which minor work may qualify for administrative review by the Historic Preservation Officer. This is intended to make the process more predictable and efficient while preserving Commission review for more significant work.

4. Demolition and Replacement Safeguards

The revised Division 2 includes new language addressing demolition requests where an applicant proposes to demolish a historic landmark, historic resource, or contributing structure and replace it with new construction.

The purpose of this provision is to address the concern that an applicant could obtain demolition approval based on a proposed replacement building, demolish the historic resource, and then fail to construct the replacement project or sell the cleared property.

The draft allows the City to condition demolition approval on safeguards such as:

- Approval of the replacement building;
- Issuance of required permits for the replacement building;
- A demolition and replacement agreement;
- A recorded covenant or notice;
- Construction deadlines;
- Site stabilization requirements; and
- Financial security.

These safeguards are discretionary tools and would be applied as appropriate based on the facts of a particular application.

5. Division 3 Historic District Provisions

The full ordinance package now includes the revised Division 3 historic district provisions for:

- Mercer Street Historic District Overlay;
- Old Fitzhugh Road Historic District Overlay; and
- Hays Street Historic District Overlay.

Division 3 includes district-specific standards for uses, building height, building width, building footprint, setbacks, materials, porches, roofs, parking, landscaping, trees, sidewalks, and other district-specific requirements.

6. Base Zoning and Historic Overlay Relationship

The revised Division 3 clarifies that property in a historic overlay district must comply with both the base zoning district and the historic overlay district. If the historic overlay district is more restrictive, the historic overlay district controls.

A use must be allowed by both the base zoning district and the applicable historic overlay district.

7. Incentives

Incentive provisions were revised to better integrate with the ordinance structure:

1. **Division 2** now preserves general City Council authority to approve incentives for historic preservation by ordinance, resolution, agreement, fee schedule, or other formal action.
2. **Division 2** distinguishes between incentives for properties located within historic districts and incentives for historic landmarks or historic resources located outside a historic district.
3. **Division 3** now codifies the historic district incentive provisions formerly reflected in Resolution No. 2015-26, as applicable to properties located within the Mercer Street, Old Fitzhugh Road, and Hays Street historic districts.

Landmark incentives for properties located outside historic districts remain available for City Council consideration on a case-by-case basis by resolution, agreement, or other formal action.

Concordance Table

A concordance table comparing the existing ordinance to the proposed Draft Ordinance is attached and is intended to help the Commission identify the principal differences between the current ordinance and the proposed amendments.

Key Policy Questions for HPC Feedback

The Commission may wish to provide feedback on the following items:

1. Whether the COA process is clear and workable for applicants and staff.
2. Whether the administrative COA categories appropriately identify minor work that can be reviewed by the Historic Preservation Officer.
3. Whether the demolition and replacement safeguards are appropriate and should remain in the draft ordinance.
4. Whether the district-specific standards in Division 3 accurately reflect the desired standards for the Mercer Street, Old Fitzhugh Road, and Hays Street historic districts.
5. Whether the historic district incentives should be codified in Division 3, remain in a separate resolution, or be handled through some combination of ordinance and resolution.
6. Whether incentives should be discretionary, automatic upon eligibility, or discretionary subject to eligibility criteria.
7. Whether landmark incentives outside historic districts should continue to be considered on a case-by-case basis by City Council.

HPC Action Options

The Historic Preservation Commission may take any of the following actions:

1. **Provide feedback only.** The Commission may discuss some or all of the draft ordinance and provide feedback to staff without making a formal recommendation.
2. **Recommend approval as presented.** The Commission may recommend that City Council adopt the full draft ordinance as presented.
3. **Recommend approval with changes.** The Commission may identify specific changes for staff to incorporate before the ordinance proceeds to City Council.
4. **Request further staff revisions.** The Commission may ask staff to incorporate additional changes and return with a revised ordinance at the next HPC meeting.

5. **Continue or revisit the item.** The Commission may request that the ordinance be brought back for further discussion before making a recommendation to City Council.

Staff Recommendation Staff recommends that the Historic Preservation Commission review the full revised draft ordinance package and provide feedback on any provisions the Commission believes should be revised before City Council consideration.

If the Commission is comfortable with the draft, staff recommends that the Commission forward a recommendation of approval to City Council, subject to final legal review, codification review, and any non-substantive formatting or cross-reference corrections.

Attachments: Draft Ordinance
Concordance Table

Contents

SECTION 4. OVERLAY DISTRICTS	1
Division 2. Historic Preservation	1
Sec. 4.2.1. Short Title	1
Sec. 4.2.2. Purpose	1
Sec. 4.2.3. When This Division Applies	1
Sec. 4.2.4. Applicant's Responsibility	2
Sec. 4.2.5. Rules for Reading This Division and Definitions	2
Sec. 4.2.6. Historic Preservation Officer	4
Sec. 4.2.7. Historic Preservation Commission	5
Sec. 4.2.8. How Historic Landmarks and Historic Districts Are Designated	5
Sec. 4.2.9. Criteria for Designation	6
Sec. 4.2.10. Design Guidelines and Incentives	6
Sec. 4.2.11. When a Certificate of Appropriateness Is Required	7
Sec. 4.2.12. Work That Does Not Require a COA	8
Sec. 4.2.13. How the City Reviews a COA Application	9
Sec. 4.2.14. COA Application Steps and Deadlines	9
Sec. 4.2.15. Administrative COA for Minor Work	12
Sec. 4.2.16. Alternative Exterior Design Standards	13
Sec. 4.2.17. Demolition or Relocation	14
Sec. 4.2.18. Economic Hardship	16
Sec. 4.2.19. Inspections and Stop-Work Orders	17
Sec. 4.2.20. Demolition by Neglect	17
Sec. 4.2.21. Fees	18
Sec. 4.2.22. Enforcement and Penalties	18
Division 3. Historic Districts	20
Sec. 4.3.1. Short Title	20
Sec. 4.3.2. Historic Overlay Districts	20
Sec. 4.3.3. Applicability and Relationship to Base Zoning	20

Sec. 4.3.4. District Boundaries 21

Sec. 4.3.5. Design Guidelines..... 21

Sec. 4.3.6. Historic District Incentives..... 21

Sec. 4.3.7. Mercer Street Historic District Overlay..... 24

Sec. 4.3.8. Old Fitzhugh Road Historic District Overlay..... 26

Sec. 4.3.9. Hays Street Historic District Overlay..... 28

Sec. 4.3.10. Enforcement 30

SECTION 4. OVERLAY DISTRICTS

Division 2. Historic Preservation

Sec. 4.2.1. Short Title

This division may be cited as the **Historic Preservation Ordinance**.

Sec. 4.2.2. Purpose

- (a) This division protects the City's historic buildings, sites, structures, objects, landscapes, landmarks, and historic districts.
- (b) The City Council finds that historic preservation benefits the public by protecting community character, supporting education and civic pride, encouraging reinvestment, and promoting the City's cultural and economic welfare.
- (c) This division is intended to do the following:
 - (1) Protect places that reflect the City's history, architecture, archeology, culture, and community identity;
 - (2) Encourage maintenance, repair, rehabilitation, and adaptive reuse of historic properties;
 - (3) Help new construction and exterior changes fit the character of historic districts;
 - (4) Provide a clear review process for property owners and applicants;
 - (5) Protect the City's attractiveness to residents, visitors, and businesses; and
 - (6) Support orderly growth while preserving important historic resources.

Sec. 4.2.3. When This Division Applies

- (a) This division applies to historic landmarks, historic resources, and properties located in a historic district.
- (b) A certificate of appropriateness is required when this division requires City review before work begins.

- (c) The certificate of appropriateness requirements apply to the following:
 - (1) A designated historic landmark;
 - (2) A property located in a historic district; and
 - (3) A building, structure, object, site, landscape feature, or other improvement listed as a historic resource in the most recently approved City historic resource survey or applicable historic district resource survey.
- (d) Ordinary repairs and maintenance do not require a certificate of appropriateness unless the work includes a change that this division requires the City to review.
- (e) A certificate of appropriateness does not replace any other permit or approval required by the City Code.
- (f) If this division conflicts with another City rule, the more restrictive rule controls unless state or federal law requires a different result.

Sec. 4.2.4. Applicant's Responsibility

An applicant must show that the application meets this division, the applicable historic district standards, and any applicable design guidelines.

Sec. 4.2.5. Rules for Reading This Division and Definitions

- (a) Words defined in this section have the meanings stated in this section.
- (b) Words not defined in this section have the meanings given in the City Code.
- (c) Words not defined in this section or elsewhere in the City Code have their ordinary meaning.
- (d) The words "shall" and "must" mean that something is required.
- (e) The word "may" means that something is allowed but not required.
- (f) The word "should" means that something is recommended unless another part of this division makes it mandatory.
- (g) In this division, the following terms have the meanings stated below:

- (1) **Administrative Certificate of Appropriateness** or **Administrative COA** means a certificate of appropriateness approved by the Historic Preservation Officer without a full Commission hearing.
- (2) **Alteration** means a physical change to the outside of a building, structure, object, site, landscape feature, or other improvement.
- (3) **Applicant** means a property owner or a person authorized by the property owner to file an application.
- (4) **Building** means a structure used or intended for shelter, occupancy, housing, or enclosure.
- (5) **Certificate of Appropriateness** or **COA** means written City approval for specific work covered by this division.
- (6) **City** means the City of Dripping Springs, Texas.
- (7) **City Council** means the City Council of the City of Dripping Springs, Texas.
- (8) **Commission** means the Historic Preservation Commission.
- (9) **Concept site plan** means a drawing that shows the general layout of a proposed project and the information needed to review it.
- (10) **Design guidelines** means the historic district development and design guidelines adopted by the City Council, as amended.
- (11) **Historic district** means an area designated by ordinance as a historic overlay district.
- (12) **Exterior feature** means an outside feature of a property, including walls, windows, doors, porches, roofs, materials, paint colors, signs, lights, fences, sidewalks, driveways, parking areas, and landscape features.
- (13) **Historic landmark** means an individual building, structure, object, site, or landscape feature designated by ordinance as historic.
- (14) **Historic Preservation Officer** or **Officer** means the person appointed to administer this division, or that person's designee.

- (15) **Historic resource** or **resource** means a building, structure, object, site, landscape feature, or other improvement identified as a historic resource in an approved City historic resource survey.
- (16) **Historic Resource Survey** means a City-approved survey that identifies and evaluates historic resources.
- (17) **Ordinary repairs and maintenance** means work that prevents or fixes deterioration without changing the exterior design, appearance, size, location, or historic materials of the property.
- (18) **Person** means an individual, organization, business entity, trust, association, partnership, company, government entity, or other legal entity.
- (19) **Preservation priority rating** means the high, medium, or low rating assigned to a resource in an approved City historic resource survey.
- (20) **Public right-of-way** or **ROW** means a public street, alley, sidewalk, trail, or other public right-of-way.

Sec. 4.2.6. Historic Preservation Officer

- (a) The Mayor shall appoint a qualified City official, staff person, or appropriate resident to serve as the Historic Preservation Officer.
- (b) The Officer shall administer this division.
- (c) The Officer shall help applicants understand the review process.
- (d) The Officer may approve, approve with conditions, or deny applications that are eligible for administrative review.
- (e) The Officer shall advise the Commission on matters submitted to the Commission.
- (f) The Officer shall coordinate the City's preservation work with public agencies and preservation organizations.
- (g) The Officer shall maintain or help maintain City records for historic landmarks, historic districts, historic resources, COAs, administrative COAs, and historic resource surveys.

Sec. 4.2.7. Historic Preservation Commission

- (a) The Commission has the powers and duties assigned by the City Code.
- (b) Under this division, the Commission reviews and acts on designation requests, COA applications, demolition and relocation requests, hardship requests, appeals from administrative decisions, and other historic preservation matters.

Sec. 4.2.8. How Historic Landmarks and Historic Districts Are Designated

- (a) The City Council may designate individual historic landmarks and historic districts by ordinance.
- (b) A historic district is shown as an “HO” historic overlay district on the official zoning map.
- (c) A designation request may be started by a property owner, the Commission, or the City Council.
- (d) An individual building or site may not be designated as a historic landmark without the owner’s consent.
- (e) Property owners must receive mailed notice at least ten (10) days before the Commission holds a hearing on a proposed designation or removal of designation.
- (f) At the Commission hearing, owners, interested persons, and experts may submit testimony and documents.
- (g) The Commission may recommend designation if the property or district meets at least one criterion in Sec. 4.2.9.
- (h) After a Commission recommendation, the proposed designation must be sent to the Planning and Zoning Commission within thirty (30) days.
- (i) The Planning and Zoning Commission must hold a hearing within forty-five (45) days after receiving the Commission’s recommendation.
- (j) Notice of the Planning and Zoning Commission hearing must be mailed to property owners within two hundred (200) feet and published in the official local newspaper at least ten (10) days before the hearing.

- (k) The City Council must hold a hearing within forty-five (45) days after receiving the Planning and Zoning Commission's recommendation.
- (l) Notice of the City Council hearing must be mailed to property owners within two hundred (200) feet and published in the official local newspaper at least ten (10) days before the hearing.
- (m) The City may give notice of the City Council hearing at the same time it gives notice of the Planning and Zoning Commission hearing.
- (n) After designation, the City shall record the designation in the appropriate City, county, appraisal district, and zoning map records.

Sec. 4.2.9. Criteria for Designation

A property or district may be designated if it meets one or more of the following criteria:

- (1) It is important to history, architecture, archeology, engineering, culture, or community development;
- (2) It is connected to events that made an important contribution to local, regional, state, or national history;
- (3) It is connected to the lives of important persons;
- (4) It shows the distinctive features of a type, period, style, or method of construction;
- (5) It represents the work of a master designer, builder, architect, engineer, landscape architect, artisan, or craftsman;
- (6) It is an established and familiar visual feature of the City;
- (7) It has archeological importance or may provide important historic or prehistoric information; or
- (8) It contributes to the character of an existing or proposed historic district.

Sec. 4.2.10. Design Guidelines and Incentives

- (a) The City Council may adopt, amend, or replace historic district design guidelines by ordinance or resolution.

- (b) The Commission and Officer shall use adopted design guidelines when reviewing applications under this division.
- (c) The City shall make the design guidelines available to property owners.
- (d) A design guideline is mandatory only if it is written as a requirement or incorporated into this division or the applicable historic district standards.
- (e) The City Council may approve incentives for historic preservation by ordinance resolution, agreement, fee schedule, or other formal action ~~or resolution.~~

(f) Incentives may include financial, regulatory, or other benefits approved by the City Council.

(g) Incentives for properties located within a historic district are governed by Division 3.

(h) Incentives for historic landmarks or historic resources located outside a historic district may be approved by the City Council on a case-by-case basis by resolution, agreement, or other formal action.

~~(f)(a) Incentives may include financial, regulatory, or other benefits approved by the City Council.~~

Sec. 4.2.11. When a Certificate of Appropriateness Is Required

- (a) A person must obtain a COA before starting any covered work on a historic landmark, historic resource, or property in a historic district.
- (b) Covered work includes construction, reconstruction, exterior alteration, restoration, rehabilitation, relocation, and demolition.
- (c) A person must obtain a COA before making a significant visible exterior change that affects the appearance or character of a historic landmark, historic resource, or property in a historic district.
- (d) Visible exterior changes may include changes to paint colors, lights, windows, doors, sidewalks, fences, signs, parking areas, porches, roofs, exterior materials, and other exterior features visible from a public right-of-way.
- (e) A person may not paint previously unpainted stone or masonry unless the City approves the work by COA.

- (f) The Commission issues COAs unless this division allows the Officer to issue an administrative COA.
- (g) The City may not issue a building permit, site development permit, sign permit, demolition permit, relocation permit, or other permit for work covered by this division until the required COA has been issued.
- (h) Approved work must follow the approved plans and all COA conditions.

Sec. 4.2.12. Work That Does Not Require a COA

- (a) Ordinary repairs and maintenance do not require a COA.
- (b) Ordinary repairs and maintenance include the following work if the work does not change exterior design, appearance, size, location, or historic materials:
 - (1) Repainting exterior surfaces using the existing paint colors;
 - (2) Replacing a non-historic door with a door that fits the character and era of the building;
 - (3) Painting a door with a color from the approved design guideline color palette;
 - (4) Removing non-historic features such as burglar bars, non-original awnings, or non-original shutters;
 - (5) Making slight changes to exterior steps, walkways, or stairways using the same or closely matching materials;
 - (6) Adding louvers or vents within an existing opening when no other exterior change is needed;
 - (7) Replacing roofing with roofing of the same or consistent material, height, color, and style;
 - (8) Installing temporary materials to protect, weatherize, or stabilize a historic resource, subject to City approval within a reasonable time if required; and

- (9) Installing mechanical, electrical, plumbing, HVAC, antenna, or communication equipment that is not visible from a public right-of-way and does not require modification to a historic resource.
- (c) Even if a COA is not required, the owner must still obtain any other required City permit.

Sec. 4.2.13. How the City Reviews a COA Application

- (a) The Commission or Officer shall review the application using this division, the applicable historic resource survey, any preservation priority rating, applicable historic district standards, and adopted design guidelines.
- (b) The Commission or Officer shall apply the Secretary of the Interior's Standards for Rehabilitation when those standards are relevant.
- (c) The review should focus on whether the proposed work preserves important historic materials and features.
- (d) The review should also consider whether the proposed work is compatible with the property and the surrounding district.
- (e) Compatibility may include height, size, massing, materials, setbacks, orientation, proportion, rhythm, scale, roof form, and site features.
- (f) High-rated resources should receive the strongest protection from alteration and demolition.
- (g) Medium-rated resources should generally be protected from demolition and should maintain or improve important architectural features when possible.
- (h) Low-rated resources may be considered for alteration, relocation, or demolition if the Commission finds that the work will have little or no adverse effect on the district or property.

Sec. 4.2.14. COA Application Steps and Deadlines

- (a) Before starting work that requires a COA, the owner or applicant shall request a predevelopment meeting with the Planning Department.
- (b) The predevelopment meeting should identify the applicable zoning, preservation rating, design guidelines, required permits, and review process.

- (c) After the predevelopment meeting, the applicant shall file a complete application with the Planning Department on a City-approved form.
- (d) The application shall include the following materials unless the Officer waives a requirement because it is not needed:
 - (1) Applicant name and contact information;
 - (2) Property owner name and contact information, if different from the applicant;
 - (3) Written owner authorization if the applicant is not the owner;
 - (4) A description of the proposed work;
 - (5) A description of how the proposed work fits the property, district, and applicable zoning requirements;
 - (6) Photographs of the property and nearby properties;
 - (7) A concept site plan if site layout is relevant;
 - (8) Elevation drawings if exterior changes are proposed;
 - (9) Material samples or descriptions;
 - (10) Color chips or color specifications, if colors are proposed;
 - (11) Proposed start and completion dates;
 - (12) Sign information if signs or lettering are proposed;
 - (13) Billing contact information for review fees, if required; and
 - (14) Any other information reasonably needed to evaluate the work.
- (e) The Planning Department or Officer shall determine whether the application is complete.
- (f) If the application is incomplete, the City shall tell the applicant what is missing.

- (g) Unless the application qualifies for administrative approval, the Commission shall review the application at a regular meeting within sixty (60) days after the application is deemed complete.
- (h) The applicant must have an opportunity to be heard at the Commission meeting.
- (i) The Commission shall approve, approve with conditions, approve with modifications, or deny the application within forty-five (45) days after the meeting at which the application is reviewed, unless the applicant agrees in writing to more time.
- (j) If the Commission does not act within ninety (90) days after the application is deemed complete, the application is approved by operation of law unless the applicant agrees in writing to more time or the delay is caused by the applicant's failure to provide required information.
- (k) All decisions must be in writing and must state the reasons for the decision.
- (l) The City shall send the decision to the applicant and keep a copy in the property file.
- (m) A COA expires two (2) years after issuance if the approved work has not started.
- (n) A COA expires three (3) years after issuance if the approved work has not been completed.
- (o) A COA may be extended for up to six (6) months for good cause.
- (p) The City should confirm whether the Officer, Commission, or City Council will approve COA extensions.
- (q) A denied COA application may not be resubmitted for twelve (12) months unless the Officer determines that the new application includes a significant change.
- (r) A COA may be issued for separate phases of a project.
- (s) An applicant may appeal a Commission decision to the City Council by filing a written appeal within thirty (30) days after receiving notice of the decision.

- (t) The City Council shall hold a hearing within thirty (30) days after receiving the appeal.
- (u) The City Council shall decide the appeal within thirty (30) days after the hearing.
- (v) If the Commission unanimously recommends denial, City Council approval requires a two-thirds vote of the City Council members present and voting.

Sec. 4.2.15. Administrative COA for Minor Work

- (a) The administrative COA process allows faster review for minor work that still requires a COA.
- (b) The Officer may approve, approve with conditions, or deny an administrative COA without public notice or a hearing.
- (c) The Officer shall decide a complete administrative COA application within fifteen (15) business days.
- (d) The following work may qualify for an administrative COA if it meets this division and the applicable design guidelines:
 - (1) Changing paint colors on previously painted surfaces using approved color palettes;
 - (2) Changing fabric colors using approved color palettes;
 - (3) Removing paint to expose original masonry;
 - (4) Replacing existing windows or shutters with similar windows or shutters, without changing the size or location of the opening;
 - (5) Replacing exterior historic doors facing a public right-of-way or alley without relocating entry or exit points;
 - (6) Replacing exterior light fixtures facing a public right-of-way or alley;
 - (7) Removing, replacing, or painting a historic fence facing a public right-of-way or alley;
 - (8) Constructing a rear addition under two hundred (200) square feet on a low-rated structure if the addition uses the same non-historic material and keeps the existing roof ridgeline;

- (9) Constructing ADA ramps, porches, decks, pools, fountains, and similar yard amenities when Commission review is not otherwise required; and
- (10) Similar work that the Officer determines is comparable in size, visibility, and potential impact.
- (e) The exception in subsection (d)(8) does not apply if the property is in the Old Fitzhugh Road Historic District and has frontage on both Old Fitzhugh Road and Ranch Road 12.
- (f) If the Officer denies an administrative COA, the applicant may appeal to the Commission by filing a written appeal with the Planning Department within thirty (30) days after the denial.
- (g) The Commission shall review the appeal at the next practicable Commission meeting.
- (h) The Commission may approve, approve with conditions, deny, or continue the application to a specific later date for stated reasons.
- (i) A Commission decision on an administrative COA appeal may be appealed to the City Council under Sec. 4.2.14.

Sec. 4.2.16. Alternative Exterior Design Standards

- (a) An applicant may request alternative exterior design standards for new construction in a historic district when strict compliance is undesirable or impractical because of site conditions.
- (b) The applicant must submit the request with the COA application.
- (c) The request must explain the alternative standards and why they are needed.
- (d) (d) The alternative standards, taken as a whole, must meet or exceed the purpose of the adopted design guidelines.
- (e) If the applicant asks to reduce or modify one design requirement, the applicant should propose other design features, landscape features, preservation measures, or enhancements to offset the change.
- (f) The Commission shall approve, approve with conditions, or deny the alternative standards as part of the COA review.

- (g) The applicant may appeal the Commission's decision under the COA appeal process.

Sec. 4.2.17. Demolition or Relocation

- (a) A person must obtain a COA before demolishing or relocating a historic landmark or a property in a historic district.
- (b) This requirement includes secondary buildings, outbuildings, objects, and landscape features.
- (c) The application must include the information required for a COA and any additional information needed to evaluate the proposed demolition or relocation.
- (d) Additional information may include photographs, condition reports, structural reports, reuse options, relocation options, alternatives to demolition, and economic information if hardship is claimed.
- (e) The Commission shall consider the following when reviewing demolition or relocation:
 - (1) The historic, architectural, archeological, cultural, and community significance of the resource;
 - (2) The resource's preservation priority rating;
 - (3) The resource's contribution to the historic district or surrounding properties;
 - (4) Whether the resource is structurally unsafe;
 - (5) Whether reasonable alternatives to demolition or relocation exist;
 - (6) Whether the applicant made good-faith efforts to preserve, rehabilitate, stabilize, sell, lease, relocate, or otherwise avoid demolition;
 - (7) The effect of demolition or relocation on the district or property; and
 - (8) Any proposed mitigation, documentation, salvage, interpretation, redevelopment, or replacement plan.
- (f) The Commission may place conditions on approval of demolition or relocation.

- (g) Conditions may include documentation, salvage, relocation efforts, site stabilization, tree protection, redevelopment plan approval, or other measures related to historic preservation.
- (h) The City may take emergency action needed to protect public health and safety.
- (i) In an emergency, the City should consider reasonable preservation alternatives when practicable.
- (j) If an applicant requests approval to demolish a historic landmark, historic resource, or contributing structure and proposes replacement construction, the Commission may condition approval on safeguards that ensure the replacement project is approved, permitted, and diligently pursued.
- (k) The City may withhold release of a demolition permit until the applicant has obtained approval of the replacement building, obtained all required permits for the replacement building, executed any demolition and replacement agreement required by the City, recorded any required covenant or notice in the county real property records, and posted any required financial security.
- (l) A demolition and replacement agreement may require the owner to begin and complete replacement construction by stated deadlines, maintain the site in a safe and clean condition after demolition, comply with approved plans, and ensure that any later owner assumes the obligations before transfer of the property.
- (m) The City may require a demolition and replacement agreement or covenant to run with the land and bind the owner's successors and assigns to the extent allowed by law.
- (n) The City may require financial security, in a form approved by the City Attorney, to secure site stabilization, public-safety measures, required screening, erosion control, and other obligations related to demolition and replacement construction.
- (o) If the owner fails to meet the approved schedule or violates the demolition and replacement agreement, the City may use any remedy available under this division, the agreement, the financial security, the City Code, or law.

Sec. 4.2.18. Economic Hardship

- (a) An applicant may request an economic hardship determination after receiving written notice that a COA or related approval has been denied.
- (b) A permit or COA based on economic hardship may not be issued unless the City finds that economic hardship exists.
- (c) The applicant must prove the following:
 - (1) The property cannot earn a reasonable return, even if the return is not the highest possible return;
 - (2) The property cannot reasonably be adapted to another use that would earn a reasonable return; and
 - (3) The applicant has tried and failed to find a buyer interested in acquiring and preserving the property.
- (d) The applicant must work in good faith with the Commission, local preservation groups, and interested persons to look for a preservation alternative.
- (e) The applicant must document those efforts.
- (f) The Commission shall hold a public hearing within sixty (60) days after the Officer receives the hardship request.
- (g) The Commission shall issue a written decision or recommendation within thirty (30) days after the hearing.
- (h) If the Commission does not act within ninety (90) days after receiving the hardship request, the Officer may issue an economic hardship letter.
- (i) The written decision must state the reasons for granting or denying hardship.
- (j) The City shall deliver the decision to the applicant and file a copy with the City Secretary.
- (k) The applicant may appeal the Commission's hardship decision to the Planning and Zoning Commission within thirty (30) days after receiving notice of the decision.

- (l) The Planning and Zoning Commission shall hold a hearing within thirty (30) days after receiving the appeal and shall decide the appeal within thirty (30) days after the hearing.
- (m) If two-thirds of the Commission members present and voting denied the hardship request, Planning and Zoning Commission approval requires a two-thirds vote of the members present and voting.
- (n) The applicant may appeal the Planning and Zoning Commission's decision to the City Council within thirty (30) days after receiving notice of that decision.
- (o) The City Council shall hold a hearing within thirty (30) days after receiving the appeal and shall decide the appeal within thirty (30) days after the hearing.
- (p) If two-thirds of the Planning and Zoning Commission members present and voting denied the hardship appeal, City Council approval requires a two-thirds vote of the City Council members present and voting.

Sec. 4.2.19. Inspections and Stop-Work Orders

- (a) Approved work must follow the approved plans and conditions.
- (b) The Building Official, Officer, or their designee may inspect approved work for compliance.
- (c) The City may issue a stop-work order if work does not follow the approval, approved plans, or this division.
- (d) When a stop-work order is issued, all work covered by the order must stop immediately.
- (e) No further work may occur while the stop-work order is in effect, except work authorized by the City to secure, stabilize, or protect the property.

Sec. 4.2.20. Demolition by Neglect

- (a) An owner or other person with an interest in a historic landmark or property in a historic district may not allow the property to deteriorate so severely that it harms the historic character of the property or district.
- (b) Demolition by neglect may include the following conditions:
 - (1) Deteriorated exterior walls or supports;

- (2) Deteriorated roofs or horizontal members;
 - (3) Deteriorated chimneys;
 - (4) Crumbling stucco, masonry, or mortar;
 - (5) Failed waterproofing of exterior walls, roofs, or foundations;
 - (6) Broken windows or doors; and
 - (7) Deterioration that creates a hazardous condition and may lead to a claim that demolition is needed for public safety.
- (c) The City may require corrective action or use any available enforcement remedy to address demolition by neglect.

Sec. 4.2.21. Fees

- (a) COA application fees are waived unless a property owner violates this division by performing work without a required COA or permit.
- (b) After a violation, the property owner must pay all applicable application fees, permit fees, inspection fees, consulting fees, and other fees established by the City Council.
- (c) The City may require an applicant to reimburse reasonable consulting fees when authorized by the City Code, fee schedule, or City policy.

Sec. 4.2.22. Enforcement and Penalties

- (a) The City may enforce this division as allowed by law.
- (b) A violation of this division is a nuisance.
- (c) A person commits an offense if the person violates this division.
- (d) A person also commits an offense if the person does any of the following without a required COA, administrative COA, or other required approval:
 - (1) Alters an exterior elevation or exterior feature of a historic landmark or historic resource facing a public right-of-way;
 - (2) Alters, demolishes, or removes an exterior feature of a designated historic landmark;

- (3) Alters, demolishes, or removes an exterior feature of a surveyed resource in a historic district;
 - (4) Changes approved site plans, building plans, or COA conditions without City approval;
 - (5) Demolishes or relocates a historic resource, building, structure, outbuilding, object, or landscape feature in a historic district; or
 - (6) Removes a Heritage tree without a required waiver, COA, or other approval.
- (e) Subsection (d)(6) does not apply to a tree that is dead, dying, or struck by lightning if proof is provided to the City before removal or as soon as practicable in an emergency.
 - (f) A person convicted of violating this division may be fined up to two thousand dollars (\$2,000.00) if the violation governs fire safety, zoning, public health, or sanitation.
 - (g) A person convicted of any other violation may be fined up to five hundred dollars (\$500.00).
 - (h) Each day a violation continues is a separate offense.
 - (i) The City may also bring a civil action to enforce this division.
 - (j) Civil remedies may include the following:
 - (1) An injunction to stop a violation;
 - (2) An injunction to require compliance;
 - (3) A civil penalty of up to five hundred dollars (\$500.00) per day when allowed by law;
 - (4) Loss of historic preservation incentives;
 - (5) Recovery of fees, costs, and expenses when allowed by law; and
 - (6) Any other remedy allowed by law.
 - (k) The City's remedies are cumulative, and the City may use any remedy allowed by this division, the City Code, or law.

Division 3. Historic Districts

Sec. 4.3.1. Short Title

This division may be cited as the **Historic District Ordinance**.

Formatted: Heading 3

Formatted: Font: 12 pt

Sec. 4.3.2. Historic Overlay Districts

Formatted: Heading 3

(a) The City's historic overlay districts protect historic resources and guide compatible development.

(b) The historic overlay districts are the following:

(1) Mercer Street Historic District Overlay;

(2) Old Fitzhugh Road Historic District Overlay; and

(3) Hays Street Historic District Overlay.

Sec. 4.3.3. Applicability and Relationship to Base Zoning

(a) The boundaries for each historic overlay district shall be established by ordinance and shown on the City's official zoning map.

(b) The standards in this division are minimum standards for development, use, and work within a historic overlay district.

(c) A property in a historic overlay district must comply with both the underlying base zoning district and the applicable historic overlay district standards.

(d) If a historic overlay district standard is more restrictive than the base zoning district or another City regulation, the historic overlay district standard controls unless state or federal law requires otherwise.

(e) If more than one overlay district applies to a property, the most restrictive standard controls.

(f) A land use must be allowed by both the underlying base zoning district and the applicable historic overlay district.

(g) If the historic overlay district prohibits a use allowed by the base zoning district, the use is prohibited.

- (h) If the historic overlay district makes a use conditional, the use requires conditional approval even if the base zoning district would otherwise allow the use by right.

Sec. 4.3.4. District Boundaries

- (a) The boundaries of the Mercer Street Historic District are established in accordance with the map attached to Ordinance No. 1295.1 as Exhibit B, as amended, which is incorporated into this division.
- (b) The boundaries of the Old Fitzhugh Road Historic District are established in accordance with the map attached to Ordinance No. 1295.11 as Exhibit 1, as amended, which is incorporated into this division.
- (c) The boundaries of the Hays Street Historic District are established in accordance with the map attached to Ordinance No. 1295.12 as Exhibit 1, as amended, which is incorporated into this division.

Sec. 4.3.5. Design Guidelines

- (a) Properties in a historic district must comply with Division 2, this division, applicable historic district standards, and any mandatory design guidelines adopted by the City Council.
- (b) The Commission and Officer shall use the adopted design guidelines when reviewing COA applications, administrative COA applications, demolition or relocation requests, alternative exterior design standards, and other applications under this chapter.
- (c) If this division or adopted design guidelines conflict with another City ordinance, the more restrictive provision controls unless state or federal law requires otherwise.
- (d) A design guideline is mandatory only if it is written as a requirement or incorporated into this division, Division 2, or the applicable historic district standards.

Sec. 4.3.6. Historic District Incentives

- (a) Properties located within a historic district may be eligible for the incentives listed in this section, subject to compliance with this division, Division 2, the applicable design guidelines, any required COA, and any other required City permit or approval.

- (b) The incentives in this section apply only to properties located within the Mercer Street Historic District, Old Fitzhugh Road Historic District, or Hays Street Historic District.
- (c) The incentives in this section restate and codify the historic district incentives formerly established by Resolution No. 2015-26, as applicable to properties located within historic districts.
- (d) The following incentives may be available for eligible historic district properties, subject to City approval and applicable law:
 - (1) Up to ninety percent (90%) impervious cover;
 - (2) Zero percent (0%) downstream buffer; and
 - (3) Waiver of site development permit application fees.
- (e) Eligible properties in a historic district may receive City assistance with grant requests, subject to staff availability, applicable grant requirements, and City approval.
- (f) The following zoning incentives may be available for eligible properties in the Mercer Street Historic District, subject to City approval and applicable law:
 - (1) Zero-foot front building setback;
 - (2) Ten-foot rear building setback; and
 - (3) Zero-foot side building setback.
- (g) The following zoning fee incentives may be available for eligible properties in a historic district, subject to City approval and applicable law:
 - (1) Waiver of zoning classification change request fee;
 - (2) Waiver of zoning ordinance amendment request fee; and
 - (3) Waiver of conditional use permit application fee.
- (h) The following building code incentives may be available for eligible properties in a historic district, subject to City approval and applicable law:
 - (1) Twenty percent (20%) reduction in building permit fees; and

- (2) Expedited review process.
- (i) Waiver of sign permit application fees may be available for eligible properties in a historic district, subject to City approval and applicable law.
- (j) The following food establishment incentives may be available for eligible properties in a historic district, subject to City approval and applicable law:
 - (1) Waiver of food establishment permit fees; and
 - (2) Waiver of food establishment plan review fees.
- (k) The following public right-of-way incentives may be available for eligible properties in a historic district, subject to City approval and applicable law:
 - (1) Waiver of temporary public right-of-way usage permit fee; and
 - (2) Waiver of temporary public street closure permit fee.
- (l) The following COA incentives may be available for eligible properties in a historic district, subject to City approval and applicable law:
 - (1) Waiver of COA application fee; and
 - (2) Waiver of professional services fees for a pre-submittal scoping session.
- (m) The City Council may approve, deny, condition, suspend, or terminate an incentive if necessary to ensure compliance with this division, Division 2, the City Code, the approved COA, or the terms of the incentive approval.
- (n) A property owner or applicant who performs work without a required COA or permit is not eligible for incentives under this section for the affected property unless eligibility is restored by City Council action.
- (o) Nothing in this section requires the City to approve an incentive if the City determines that the property, applicant, proposed work, or completed work does not satisfy the requirements of this division, Division 2, the applicable design guidelines, the approved COA, or the applicable incentive criteria.
- (p) Nothing in this section limits the City Council's authority under Division 2 to approve incentives for historic landmarks or historic resources located outside a historic district on a case-by-case basis by resolution, agreement, or other formal action.

Sec. 4.3.7. Mercer Street Historic District Overlay

- (a) The Mercer Street Historic District Overlay is intended to provide design guidance and standards that accomplish the following purposes:
 - (1) Recognize historic main street architectural character and pedestrian scale;
 - (2) Promote walkable activities and pedestrian-oriented design;
 - (3) Foster a community focal point; and
 - (4) Preserve historic resources in the district while promoting adaptive reuse and revitalization.
- (b) Additional uses allowed in the Mercer Street Historic District Overlay, subject to the underlying base zoning district and the City's land-use regulations, include pedestrian-oriented or mixed uses that reinforce the character of the district as a community and cultural hub.
- (c) The additional uses described in subsection (b) include the following uses:
 - (1) Civic center;
 - (2) Museum;
 - (3) Public market;
 - (4) Craft alcohol production and sales;
 - (5) Theatre, dinner theater, or motion picture theater; and
 - (6) Dance hall.
- (d) Craft alcohol production and sales must satisfy the following conditions:
 - (1) At least fifteen percent (15%) of gross floor area must be maintained as retail space open to the public; and
 - (2) Manufacturing-related activity must not occupy more than five thousand (5,000) square feet of gross floor area.
- (e) Maximum building height is two (2) or two and one-half (2.5) stories, not to exceed forty (40) feet.

- (f) Building width may not exceed forty (40) feet unless the building includes articulation at a maximum of forty-foot increments.
- (g) Maximum contiguous building footprint is ten thousand (10,000) square feet, with maximum massing increments of two thousand five hundred (2,500) square feet.
- (h) If the property fronts a public right-of-way where there is at least five (5) feet of unobstructed sidewalk space between the front building line and the corresponding roadway, the minimum front yard setback is zero (0) feet.
- (i) Minimum side yard setback is zero (0) feet if an approved fire wall is provided.
- (j) Minimum rear yard setback is ten (10) feet.
- (k) The primary building entrance must face the street of the building's address.
- (l) At least seventy-five percent (75%) of net exterior wall square footage must be historic native stone or wood.
- (m) Porches and trim must be wood or another material approved as compatible through the COA process.
- (n) Each primary building entrance along Mercer Street must have an awning or porch extending across at least fifty percent (50%) of the building façade.
- (o) Roofs must be flat parapets or sloped metal roofs, including standing seam or other approved type and finish.
- (p) For commercial uses, minimum on-site parking is seventy-five percent (75%) of the minimum requirement otherwise applicable under the City's off-street parking and loading regulations.
- (q) On-site parking must be located behind the building.
- (r) Off-site parking and street parking may be allowed if permitted by the City Code.
- (s) Historic walls, gates, fences, outbuildings, cisterns, objects, and notable landscape features must be preserved.

- (t) Trees greater than eight (8) inches diameter at breast height must be preserved or replaced as required by the City Code.
- (u) Heritage trees greater than eighteen (18) inches diameter at breast height must be preserved unless removal is approved under applicable City regulations.
- (v) Landscape plantings must comply with the City's native plant list.
- (w) Sidewalks must be at least five (5) feet wide in the Mercer Street Historic District.

Sec. 4.3.8. Old Fitzhugh Road Historic District Overlay

- (a) The Old Fitzhugh Road Historic District Overlay is intended to provide design guidance and standards that accomplish the following purposes:
 - (1) Recognize the rustic architectural character and landscapes of historic small farmsteads in the district;
 - (2) Promote historic renovation and landscape preservation of properties in the district; and
 - (3) Support adaptive reuse and revitalization of properties in the district.
- (b) Additional uses allowed in the Old Fitzhugh Road Historic District Overlay, subject to the underlying base zoning district and the City's land-use regulations, include uses that reinforce the rustic and eclectic character of the district, with residential and mixed uses along Old Fitzhugh Road and retail or commercial uses along Ranch Road 12.
- (c) The additional uses described in subsection (b) include the following uses:
 - (1) Farmers' markets, farm-to-table operations, agrihoods, orchards, greenhouses, plant nurseries, accessory livestock, and stables;
 - (2) Limited-footprint accessory outdoor entertainment related to a farmers' market, such as a playground, miniature golf, or archery; and
 - (3) Retail and residential live/work spaces.
- (d) Maximum building height is two (2) or two and one-half (2.5) stories, not to exceed forty (40) feet.

- (e) Building width may not exceed forty-five (45) feet along Old Fitzhugh Road.
- (f) Building width may not exceed sixty (60) feet along Ranch Road 12.
- (g) Buildings must include articulation at a maximum of forty-five-foot increments.
- (h) Maximum contiguous building footprint is five thousand (5,000) square feet, with maximum massing increments of two thousand five hundred (2,500) square feet.
- (i) Minimum front yard setback is ten (10) feet.
- (j) Minimum side yard setback is five (5) feet.
- (k) Minimum rear yard setback is ten (10) feet.
- (l) The primary building entrance must face the street of the building's address.
- (m) At least seventy-five percent (75%) of net exterior wall square footage must be historic native stone or wood.
- (n) Porches and trim must be wood or another material approved as compatible through the COA process.
- (o) Each primary building entrance facing Old Fitzhugh Road or Ranch Road 12 must have an awning or porch extending across at least fifty percent (50%) of the building façade.
- (p) Roofs must be sloped metal roofs or thirty-year composition shingles of a type or finish approved by the City.
- (q) On-site parking must be located behind the building.
- (r) Limited front-yard parking may be allowed if existing trees are protected and preserved.
- (s) Fences, patios, decks, courtyards, and gardens should be located behind buildings along Old Fitzhugh Road when practical and consistent with the design guidelines.
- (t) Historic walls, gates, fences, outbuildings, cisterns, objects, and notable landscape features must be preserved.

- (u) Trees greater than eight (8) inches diameter at breast height must be preserved or replaced as required by the City Code.
- (v) Heritage trees greater than eighteen (18) inches diameter at breast height must be preserved unless removal is approved under applicable City regulations.
- (w) Landscape plantings must comply with the City's native plant list.
- (x) Sidewalks must tie into shared-use paths and pedestrian improvements along Old Fitzhugh Road and future roadway improvements planned in the City's Transportation Master Plan whenever possible.
- (y) Eight-foot sidewalks are required along Old Fitzhugh Road and Ranch Road 12 whenever feasible.

Sec. 4.3.9. Hays Street Historic District Overlay

- (a) The Hays Street Historic District Overlay is intended to provide design guidance and standards that accomplish the following purposes:
 - (1) Recognize the architectural character and landscapes of the historic neighborhood;
 - (2) Protect and preserve historic neighborhood character, scale, and streetscape; and
 - (3) Support adaptive reuse and context-sensitive infill within the district.
- (b) Additional uses allowed in the Hays Street Historic District Overlay, subject to the underlying base zoning district and the City's land-use regulations, include residential and live/work mixed uses along Hays Street and retail and commercial mixed uses along U.S. Highway 290 that are compatible with the neighborhood character of the district.
- (c) The additional uses described in subsection (b) include the following uses:
 - (1) Retail and commercial mixed uses along U.S. Highway 290; and
 - (2) Attached residential housing, detached live/work spaces, and accessory dwelling units on other streets in the district.

- (d) Maximum building height along Hays Street is one and one-half (1.5) to two (2) stories, not to exceed forty (40) feet.
- (e) Building width may not exceed forty (40) feet along Hays Street.
- (f) Building width may not exceed sixty (60) feet along U.S. Highway 290.
- (g) Buildings must include articulation at a maximum of forty-foot increments.
- (h) Maximum contiguous building footprint is five thousand (5,000) square feet, with maximum massing increments of three thousand five hundred (3,500) square feet.
- (i) Minimum front yard setback is ten (10) feet.
- (j) Minimum side yard setback is five (5) feet.
- (k) Minimum rear yard setback is ten (10) feet.
- (l) The primary building entrance must face the street of the building's address.
- (m) At least seventy-five percent (75%) of net exterior wall square footage must be historic native stone or wood.
- (n) Porches and trim must be wood or another material approved as compatible through the COA process.
- (o) Each primary building entrance must have an awning or porch extending across at least fifty percent (50%) of the building façade.
- (p) Roofs must be sloped metal roofs or thirty-year composition shingles of a type or finish approved by the City.
- (q) Residential parking must include on-site garages unless otherwise approved by the City under applicable standards.
- (r) On-site commercial parking must be located behind the building or in side yards.
- (s) Historic walls, gates, fences, outbuildings, cisterns, objects, and notable landscape features must be preserved.
- (t) Trees greater than eight (8) inches diameter at breast height must be preserved or replaced as required by the City Code.

(u) Heritage trees greater than eighteen (18) inches diameter at breast height must be preserved unless removal is approved under applicable City regulations.

(v) Landscape plantings must comply with the City's native plant list.

(w) Sidewalks must be at least five (5) feet wide whenever feasible.

Sec. 4.3.10. Enforcement

(a) Violations of this division are subject to the enforcement, penalty, nuisance, stop-work, civil remedy, criminal penalty, fee, and incentive-eligibility provisions of Division 2.

~~(k)~~(b) A COA, administrative COA, demolition or relocation request, alternative exterior design standard, appeal, inspection, stop-work order, or enforcement matter involving property in a historic district is subject to Division 2 unless this division provides a more specific rule.

Topic	Existing Ordinance	Draft Ordinance	Difference / Significance
Overall structure	Includes Division 2 and a short Division 3. Division 3 addresses historic district title, boundaries, compliance, incentives, and enforcement.	Revises Division 2 and substantially revises/expands Division 3.	Draft version carries forward existing Division 3 concepts but expands Division 3 to include district-specific overlay standards and codified incentives.
Title	"This division shall be commonly cited as the historic preservation ordinance."	"This division may be cited as the Historic Preservation Ordinance."	Stylistic / plain-language change.
Purpose	Longer policy statement with six preservation purposes.	Shorter plain-language purpose statement.	Stylistic; no intended substantive change.
Scope / applicability	Applies to all property in city limits and ETJ; applies to actions after Nov. 14, 2006.	Applies to historic landmarks, historic resources, and properties in historic districts.	Potential substantive narrowing/clarification. Confirm intended scope.
Applicant burden	Applicant for COA must establish compliance.	Applicant must show the application meets the ordinance, district standards, and design guidelines.	Same concept, clarified.
Definitions	Long list including broad planning terms.	Streamlined definitions focused on operative terms.	Mostly readability; some terms removed or simplified.
Historic Preservation Officer	Mayor appoints officer; officer administers ordinance and advises Commission.	Same, plus clearer role in applicant assistance and administrative review.	Clarification.
Historic Preservation Commission	Cross-reference to separate procedures section.	States Commission reviews designations, COAs, demolition/relocation, hardship, appeals, and other matters.	Clarification.
Designation overlay label	Uses "H" overlay.	Uses "HO" historic overlay district.	Possible substantive/code-label update.
Notice for designation	15-day mailed notice before Commission hearing.	10-day mailed notice before Commission hearing.	Substantive timing change; confirm intended.
Designation criteria	Six criteria.	Expanded/clarified criteria, including engineering, community development, archeological importance, and contribution to district character.	Potential substantive expansion/clarification.
Division 2 design-guideline authority	"Implementation standards and guidelines" adopted by resolution; violation prohibited.	Clarifies that design guidelines are mandatory only if written as requirements or incorporated into ordinance/district standards.	Important clarification of advisory vs mandatory effect.
Incentives generally	City Council may approve incentives by resolution; applicants with alternative exterior design standard COA eligible.	Division 2 gives general authority; historic district incentives governed by Division 3; landmark/resource incentives outside districts may be case-by-case.	More structured incentive framework.
Resolution 2015-26 incentives	Not codified in text.	Historic district incentives codified in Division 3, with suggested repeal/codification language for Resolution 2015-26.	New codification approach.

Topic	Existing Ordinance	Draft Ordinance	Difference / Significance
COA required	COA required for construction, reconstruction, alteration, restoration, relocation, and visible material changes; painting unpainted stone/masonry prohibited.	Same concept, with clearer language and express reference to covered work, including demolition.	Clarification.
COA expiration	1 year if not commenced; 2 years if not completed.	2 years if not started; 3 years if not completed.	Substantive timing change.
COA extension	City Council may extend up to 6 months.	Same concept; extension authority flagged for confirmation.	Mostly unchanged.
Ordinary maintenance exemption	COA not required for ordinary maintenance under \$10,000; expedited process for small projects.	Ordinary maintenance exempt without dollar threshold; administrative COA for minor work categories.	Substantive shift from cost-based to category-based approach.
Expedited / administrative COA	Expedited process for small projects under \$10,000 with exclusions.	Administrative COA for specified minor work categories; HPO decision within 15 business days after complete application.	Major restructuring of administrative review.
COA application	Application filed with Commission; fee required before complete.	Predevelopment meeting; application filed with Planning Department; simplified required materials; completeness review.	Process clarification.
COA timing	Commission review within 60 days from receipt; deemed approved after 90 days from receipt.	Review and deemed approval run from complete/deemed complete application, with applicant-caused delay carveout.	Important procedural clarification.
Alternative exterior design standards	Allowed; includes waiver language for utilities/curbs/sidewalks.	Retained in simplified form; waiver detail not carried forward.	Confirm whether waiver provision should be retained.
Demolition COA	COA required for demolition of historic landmark/property in district.	COA required; adds detailed demolition/relocation review criteria.	Substantive clarification.
Demolition with replacement construction	Not included.	New safeguards: replacement approvals, permit sequencing, demolition/replacement agreement, recorded covenant, deadlines, site stabilization, financial security.	Key new substantive provision.
Economic hardship	Hardship criteria, good-faith alternatives, appeals to P&Z and Council.	Same general framework in plain language, with two-thirds approval concept after supermajority denial.	Clarification plus voting-threshold change.
Fees	Fees established by City Council fee schedule.	COA fees waived unless violation; violator pays applicable fees.	Substantive fee-policy change.
Division 2 enforcement	General enforcement, nuisance, criminal penalties, and civil remedies.	More specific offenses are identified; civil and criminal remedies are retained; loss of incentives is included.	More specific enforcement framework for COA-related violations, plan deviations, demolition/relocation, and Heritage tree removal.

Topic	Existing Ordinance	Draft Ordinance	Difference / Significance
Division 3 historic districts	Existing Division 3 is short: title, boundaries, compliance with implementation manual, incentives, and enforcement/penalty.	Revised Division 3 includes boundaries, base-zoning relationship, design guidelines, codified incentives, district-specific standards for Mercer, Old Fitzhugh, and Hays, and enforcement cross-reference.	Draft version expands and reorganizes existing Division 3 rather than creating Division 3 from scratch.
Base zoning / overlay rule	Not in existing Division 2.	Use must be allowed by both base zoning and overlay; more restrictive overlay controls.	New clarification.
Division 3 compliance / design guidelines	Existing Division 3 requires buildings, properties, sites, and structures in historic districts to comply with the historic preservation ordinance and the implementation manual/design guidelines; if there is a conflict, the Division 3 provision or implementation manual controls.	Draft Division 3 requires properties in historic districts to comply with Division 2, Division 3, applicable historic district standards, and any mandatory design guidelines adopted by City Council. It clarifies that a design guideline is mandatory only if written as a requirement or incorporated into the ordinance or district standards.	Clarifies how design guidelines apply in historic districts and reduces ambiguity between mandatory standards and advisory guidance.
Historic district boundaries	Existing Division 3 establishes the boundaries of the Mercer Street, Old Fitzhugh Road, and Hays Street historic districts by reference to prior ordinance exhibits.	Draft Division 3 carries forward the same district boundaries by reference to the same ordinance exhibits.	No substantive boundary change is proposed. The provision is retained and reformatted for consistency with the revised Division 3.
District-specific standards	Existing Division 3 establishes district boundaries and general compliance requirements, but does not include detailed district-specific standards for Mercer, Old Fitzhugh, or Hays.	Draft Division 3 adds detailed district-specific standards for Mercer, Old Fitzhugh, and Hays, including uses, building height, building width, building footprint, setbacks, materials, porches, roofs, parking, landscaping, trees, sidewalks, and related requirements.	Substantial expansion of Division 3 to codify district-specific overlay standards in the ordinance.
Division 3 incentives	Existing Division 3 states that properties in historic districts are eligible for incentives pursuant to the implementation manual adopted by City Council.	Revised Division 3 codifies the historic district incentive list formerly reflected in Resolution No. 2015-26 and distinguishes district incentives from case-by-case landmark incentives.	Moves incentives from external/manual/resolution framework into ordinance text for historic districts.
Landmark incentives outside districts	Not addressed in this way.	Case-by-case by City Council resolution/agreement/formal action.	New framework.
Division 3 enforcement	Existing Division 3 contains separate enforcement and penalty language for historic district violations.	Draft Division 3 cross-references the enforcement, penalty, nuisance, stop-work, civil remedy, criminal penalty, fee, and incentive-eligibility provisions of Division 2.	Consolidates enforcement in Division 2 to reduce duplication and avoid inconsistent enforcement language between Division 2 and Division 3.