



HISTORIC PRESERVATION COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Thursday, April 01, 2021 at 4:00 PM

VIDEOCONFERENCE MEETING

This meeting will be held via videoconference and the public is encouraged and welcome to participate. Public comment may be given during the videoconference by joining the meeting using the information below. Public comment for this meeting may also be submitted to the City Secretary at acunningham@cityofdrippingsprings.com no later than 4:00 PM on the day the meeting will be held.

The Historic Preservation Commission respectfully requests that all microphones and webcams be disabled unless you are a member of the Commission. City staff, consultants and presenters, please enable your microphone and webcam when presenting to the Commission.

Agenda

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/81027378045?pwd=V2YzM3ZydittR2wwYTFvTkMvN2ZpUT09>

Meeting ID: 810 2737 8045

Passcode: 322931

Dial Toll Free:

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Find your local number: <https://us02web.zoom.us/j/81027378045>

Join by Skype for Business: <https://us02web.zoom.us/skype/81027378045>

CALL TO ORDER AND ROLL CALL

Commission Members

Bruce Lewis, Chair

Emilie Kopp, Vice Chair

Ashley Bobel

Dean Erickson

Minnie Glosson-Needham

Jean Reimers

Tim Brown

Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer
Senior Planner Amanda Padilla
Planning Assistant Alicia Lundy-Morse
Architectural Consultant Keenan Smith
Mayor Pro Tem Taline Manassian

PRESENTATION OF CITIZENS

Each member of the public who desires to address the Historic Preservation Commission regarding any item for an open meeting may do so immediately before or during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during Presentation of Citizens. The Commission may limit the total amount of time the public may speak on a given item. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. The Commission may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This does not apply to public criticism that is otherwise prohibited by law. It is the request of the Commission that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. (Section 1. Subchapter A, Chapter 551, Government Code, Section 551.007)

MINUTES

- 1. Discuss and consider approval of the February 4, 2021 Historic Preservation Commission regular meeting minutes.**

BUSINESS

- 2. Discuss and consider Approval of an Application for Certificate of Appropriateness for exterior refurbishment, Mobile food Trailer, and Landscaping Improvements at 310 Old Fitzhugh Road. Applicant: Dog 'n' Bone LC**
- 3. Discuss and consider approval of Request from Dripping Springs Visitors Bureau to allow Downtown Mercer Street Banners for the Dripping Springs Songwriters Festival. Applicant: Pam Owens, President/CEO, Dripping Springs Visitors Bureau**
- 4. Discuss and consider recommendation regarding amendments to the Certificate of Appropriateness Process and Mobile Food Vendors in Historic Districts.**
- 5. Discuss and consider possible action regarding the Historic Preservation Commission budget request recommendation related to the Fiscal Year 2022 Budget.**

COMMITTEE REPORTS

- 6. Landscape Improvements Committee**
Commissioners Minnie Glosson-Needham and Jean Reimers
- 7. Parking Lot Improvements Committee**
Commissioners Dean Erickson and Tim Brown

8. **Historic District Signage & Banner Committee**
Commissioners Ashley Bobel and Emilie Kopp
9. **Website Committee**
Commissioner Emilie Kopp

EXECUTIVE SESSION

The Historic Preservation Commission for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 Deliberations about Gifts and Donations), 551.074 Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The Historic Preservation Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

UPCOMING MEETINGS

Historic Preservation Commission Meetings

May 6, 2021 at 4:00 p.m.

June 3, 2021 at 4:00 p.m.

July 1, 2021 at 4:00 p.m.

City Council Meetings

April 13, 2021 at 6:00 p.m.

April 20, 2021 at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the Commission may consider a vote to excuse the absence of any Commissioner for absence from this meeting.

Due to the current Public Health Emergency and guidance from the Texas Governor including the current Disaster Declarations by the Governor and the City of Dripping Springs, and Center for Disease Control guidelines related to COVID-19, the City will continue with meetings conducted through videoconferencing. Texas Government Code Sections 551.045; 551.125; and 551.127.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **March 26, 2021 at 10:45 a.m.***

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

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Thursday, February 04, 2021 at 4:00 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/88534319819?pwd=cnR2Q1ZVb0xIYTU1R2VabjcrYXI4dz09>

Meeting ID: 885 3431 9819

Passcode: 482504

Dial Toll Free:

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Find your local number: <https://us02web.zoom.us/j/88534319819>

Join by Skype for Business: <https://us02web.zoom.us/skype/88534319819>

CALL TO ORDER AND ROLL CALL

Commission Members present were:

- Bruce Lewis, Chair
- Emilie Kopp, Vice Chair
- Ashley Bobel
- Dean Erickson
- Minnie Glosson-Needham
- Jean Reimers
- Tim Brown

Staff, Consultants & Appointed/Elected Officials present were:

- City Administrator Michelle Fischer
- City Attorney Laura Mueller
- Senior Planner Amanda Padilla
- Planning Assistant Alicia Lundy-Morse
- Mayor Pro Tem Taline Manassian
- Architectural Consultant Keenan Smith

With a quorum of the Commission present, Chair Lewis called the meeting to order at 4:01pm

PRESENTATION OF CITIZENS

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No one spoke during the Presentation of Citizens

MINUTES

1. Discuss and consider approval of the January 7, 2021 Historic Preservation Commission regular meeting minutes.

A motion was made by Vice Chair Kopp to approve the January 7, 2021 Historic Preservation Commission regular meeting minutes. Commissioner Erickson seconded the motion which carried unanimously 7 to 0.

BUSINESS

2. Discuss and consider recommendation of a City Policy for Banners to be Displayed on the Mercer Street Pedestrian Poles.

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the policy.

A motion was made by Vice Chair Kopp recommend City Council approval of the banner policy with the provision that the event must be greater than one (1) day and the City will maintain a calendar for the banners and outside events may not conflict with the existing banner schedule. Commissioner Bobel seconded the motion which carried unanimously 7 to 0.

3. Discuss and consider possible staff direction regarding Mobile Food Vendors in the Historic District.

The commission discussed mobile food vendors in the Mercer Street Historic District with guidance from city staff.

Laura Mueller informed the Commission that the way to initiate a zoning change related to mobile food vendors on Mercer Street would be to request that the Planning & Zoning Commission look into the issue and then they could initiate a zoning ordinance amendment change.

A motion was made by Commissioner Erikson to direct staff to request the Planning & Zoning Commission look into an ordinance that would ban permanent mobile food vendors in the Mercer Street District. Commissioner Brown seconded the motion which carried unanimously 7 to 0.

4. Discussion regarding the Historic Preservation Commission budget request recommendation related to the Fiscal Year 2022 Budget.

Michelle Fischer presented the budget calendar and reviewed the budget for Historic Preservation.

5. Discuss and consider possible action regarding Committees of the Historic Preservation Commission.

The Commission discussed Historic Preservation Committees and no vote or action regarding this item; committees will remain as they currently are.

COMMITTEE REPORTS

No reports at this time.

6. Parking Lot Improvements Committee

Commissioners Dean Erickson and Tim Brown

7. Landscape Improvements Committee

Commissioners Minnie Glosson-Needham and Jean Reimers

8. Brochure / Printing & Website Committee

Commissioner Emilie Kopp

9. Historic District Signage & Banner Committee

Commissioners Ashley Bobel and Emilie Kopp

EXECUTIVE SESSION

The Historic Preservation Commission for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 Deliberations about Gifts and Donations), 551.074 Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The Historic Preservation Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

The commission did not enter executive session

UPCOMING MEETINGS

Historic Preservation Commission Meetings

March 4, 2021 at 4:00 p.m.

April 1, 2021 at 4:00 p.m.
May 6, 2021 at 4:00 p.m.

City Council Meetings

February 9, 2021 at 6:00 p.m.
February 16, 2021 at 6:00 p.m.
March 9, 2021 at 6:00 p.m.

ADJOURN

A motion was made by Commission Reimers to adjourn the Historic Preservation Commission regular meeting. Commissioner Glosso-Needham seconded the motion which carried unanimously 7 to 0.

This regular meeting adjourned at 5:15 p.m.



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

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: Dog In' Bone LLC

STREET ADDRESS: 310 Old Fitzhugh Rd.

PHONE: 512-894-2438 EMAIL: dognbonecompliance@gmail.com

PROPERTY OWNER NAME (if different than Applicant): _____

STREET ADDRESS: _____

PHONE: _____ EMAIL: _____

PROJECT INFORMATION

Address of Property (Structure/Site Location): 310 Old Fitzhugh Rd.

Zoning Classification of Property: Commercial

Description of Proposed Use of Property/ Proposed Work: Restaurant/Bar that serves fish n chips and other gastropub menu items.

Description of How Proposed Work will be in Character with Architectural and/or Historical Aspect of Structure/Site and the Applicable Zoning Requirements: The main building facing the road has kept its integrity with original limestone and tin roof. The food trailer will serve as the kitchen, while the main building will be preserved for seating/dining, bar, and restrooms.

Estimated Cost of Proposed Work: \$1055,070.00

Intended Start Date of Work: 3/23/2021 Intended Completion Date of Work: 4/1/2021

*****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.

CERTIFICATE OF APPROPRIATENESS SUBMITTAL CHECKLIST

CHECKLIST		
Staff	Applicant	
<input type="checkbox"/>	<input type="checkbox"/>	Current photograph of the property and adjacent properties (view from street/right-of-way)
<input type="checkbox"/>	<input type="checkbox"/>	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
<input type="checkbox"/>	<input type="checkbox"/>	Elevation drawings/sketches of the proposed changes to the structure/site
<input type="checkbox"/>	<input type="checkbox"/>	Samples of materials to be used
<input type="checkbox"/>	<input type="checkbox"/>	Color chips of the colors which will be used on the structure <i>(if applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Sign Permit Application <i>(if applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit Application <i>(if applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Application for alternative exterior design standards and approach <i>(if applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Supplemental Design Information <i>(as applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed

[Handwritten Signature]

SIGNATURE OF APPLICANT

03/23/2021

Date

[Handwritten Signature]

SIGNATURE OF PROPERTY OWNER AUTHORIZING THE WORK

03/23/2021

Date

Received on/by: _____

Project Number: _____ - _____

Only filled out by staff

Date, initials



BILLING CONTACT FORM

Project Name: Dog 'n' Bone

Project Address: 310 Old Fitzhugh Rd.

Project Applicant Name: Dog 'n' Bone LLC

Billing Contact Information

Name: Dog 'n' Bone LLC

Mailing Address: 310 Old Fitzhugh Rd.

Email: dognbonecompliance@gmail.com Phone Number: 512-894-2438

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

- | | |
|--|--|
| <input type="checkbox"/> Alternative Standard | <input type="checkbox"/> Special Exception |
| <input checked="" type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Exterior Design | <input type="checkbox"/> Wastewater Service |
| <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Lighting Plan | <input type="checkbox"/> Zoning |
| <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> 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.

Scump
Signature of Applicant

03/23/2021
Date



**HISTORIC PRESERVATION MANUAL
CERTIFICATE OF APPROPRIATENESS REVIEW**

Date: **September 26, 2018**
Project: **310 Old Fitzhugh Rd, Dripping Springs, TX 78620**
Applicant: **Dog “N” Bone LLC c/o Jon Thompson (512) 568-2184**
Historic District: **Old Fitzhugh Road Historic District**
Base Zoning: **CS-HO**
Proposed Use: **Restaurant w/ Mobile Food Trailer as Commercial Kitchen**

- Submittals: Current Photograph Concept Site Plan Exterior Elevations
 Color & Materials Samples **N/A- Material Palette to match existing**
 Sign Permit Application (if applicable) **N/A**
 Building Permit Application
 Alternative Design Standards (if applicable) **N/A**

The following review has been conducted for 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:

Ph. 1: “Adaptive Re-Use & Rehabilitation” Proposed exterior refurbishment and rehabilitation of the “**Roberts House**” (ca. 1923) a **Contributing Resource & Medium Preservation Priority** in the **Old Fitzhugh Rd. Historic District**, with associated & supporting site improvements.

Review Summary, General Findings: “Approval in Concept Recommended”

General Compliance Determination- **Compliant** Non-Compliant Incomplete

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

Staff Recommendations / Conditions of Approval:

1. **Permits:** Obtain necessary Permits from the City of Dripping Springs, including a Site Development Permit and C.U.P for proposed Mobile Food Vendor use.
2. **Scoping:** COA covers the proposed Phase I only. Future Phases require separate COA's.
3. **Approval in Concept:** Specifications, Color & Materials for Building Exterior Refurbishment Elements (Native Stone Masonry, Windows, Doors, Trim, etc.) and selection of all Pedestrian Amenity Elements (picnic tables, seating, Outdoor Stage, shall be reviewed & approved by City Staff prior to issuance of Building Permits.

CERTIFICATE OF APPROPRIATENESS- Staff Review Summary:

Historic Resource Background /Survey Information:

#310 Old Fitzhugh Rd.: “Roberts House” / “Old Dripping Springs Telephone Building” (c.a. 1923)
Roark-Foster Survey: Site #18 / HHM Survey: Site #61 / Hays County TP #17923

Historic District Contribution Status: “Contributing.”

Historic Resource “Priority Rating:” “Medium.”

“310 Old Fitzhugh Road Street- Dog ’N’ Bone Pub:” The proposed development concept is to create a restaurant operation on the site focused on the preservation, refurbishment, rehabilitation and adaptive re-use of the historic structure as a feature piece of the development. The development is proposed to occur in three (3) phases. **The scope of this COA Application and review covers Phase I only:**

Phase I- Exterior Building Renovations: Refurbishment of exterior walls (structure, sheathing, weatherproofing etc.) and subsequent rehabilitation of exterior materials, (see plans). Native Stone Masonry matching existing materials as closely as possible will be used where it is missing (i.e. @ existing South Elevation). Non-historic existing windows and doors are to be removed and replaced with new elements of an approved type. The structure’s existing Metal roofs are proposed to be refurbished and remain in-place without material alteration. No changes in building footprint, massing, porch configurations (front, rear) are proposed. Non-historic pipe porch columns are to be replaced with rough-sawn cedar posts.

Phase I- Site Improvements Renovations: Site Pad for one (1) only Mobile Food Trailer (sited to the rear of the site) to serve as the remote Kitchen. Parking and Sidewalks are to be improved. An Open Stage with Roof Cover, Trash Receptacle Screen are also included. Clusters of Picnic Tables and Yard Games are proposed under the existing mature trees at the center of the site, creating a Outdoor Seating and Dining Area, and providing gathering place for the neighborhood and the OFR Historic District.

Phase II envisions the complete interior renovation of the historic house to accommodate interior seating and the Bar portion of the Restaurant. **Phase III** contemplates a commercial building @ rear of the site, to house the Commercial Kitchen plus other unspecified uses. No design concepts have been proposed at this time. These future Phases will require separate Application, review and HPC consideration of COA's.

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The development concept proposes the preservation, rehabilitation and adaptive re-use of the property's historic structure, making it a central feature, focus of the plan & key business proposition. The "Minimal Alteration / Match Existing to Remain" approach is an appropriate, efficient and cost effective strategy for the adaptive re-use of this historic resource, given the challenges of its existing physical condition. While the submittal is lacking in elaboration of detail, and is missing descriptive information on some minor design elements, Staff feels the virtues of this development approach merits consideration by the Historic Preservation Commission for the possible approval of a Certificate of Appropriateness.

Approval in Concept is recommended, with Conditions of Approval as outlined above.

"Old Fitzhugh Road Design and Development Standards"

The proposed project is found to be consistent with applicable Standards (review comments below). "Approval with Conditions" (as stated above) is recommended.

Character/Vision: Consistent: "Eclectic Revitalization- new/old; Adaptive Re-Use; Historic Preservation"

Design Principles: Consistent: "Protect Historic Farmstead Scale & Character." "Promote Rustic Look/Feel of OFR (frontage), with Gathering Spaces / Patios / Decks / Courtyards / Gardens @ Rear of Properties."

Preferred Uses: Consistent: Restaurant / Uses preferred / allowed by CS/HO Zoning. CUP required for Mobile Food vendor use.

Site Planning & Building Placement: N/A: Existing Building- no change in Building Placement.

Parking Arrangement: Consistent: "Onsite Lots @ Rear; (limited) Off-street Parking @ Fronts."

Building Footprint / Massing / Scale: N/A: Existing Building- no change in Building Footprint/Massing.

Street Frontage / Articulation: N/A: Existing Building- no change in Street Frontage.

Porches: N/A: Existing Porches- no change in Porch configuration(s).

Roofs: N/A: Existing Roofs to remain- no change.

Materials: Consistent: "Maintain Historic (look) Native Stone or Wood on all Walls- 75% of the net (Elevation) sf's. Wood Porch Structures & Trim. OK subject to confirmation of Materials Palette & Elevations Call-Outs.

Color Palette: Consistent: "Full range of hues allowed. Color Palettes to be approved." Front Door Window & Door Trim color of any hue is allowed.

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Tree Preservation: Consistent: All existing trees on site are being preserved.

Landscape Features: N/A- No affect to existing Landscape Features.

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.

See detailed summary above. 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

(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.

 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.

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.

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

(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.

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.

Compliant Non-Compliant Not Applicable

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

Compliant Non-Compliant Not Applicable

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (SECTION 24.07.015)

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

(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? Yes No
- Substantive/Harmful Revisions to Historic District? Yes No

* * *

Please contact (512) 659-5062 if you have any questions regarding this review.



By: **Keenan E. Smith, AIA**



REQUEST FORM FOR DOWNTOWN MERCER STREET BANNERS

ORGANIZATON NAME: Dripping Springs Visitors Bureau

APPLICANT: FIRST NAME: Pam

LAST NAME: Owens

PHONE NUMBER: 512-858-4740

EMAIL: pam@destinationdrippingsprings.com

ADDRESS: PO Box 206

CITY: Dripping Springs ST: TX ZIP: 78620

EVENT/PURPOSE OF BANNERS:

NAME OF EVENT: Dripping Springs Songwriters Festival

EVENT IS IN DOWNTOWN MERCER: YES NO

START DATE: 10-15-21 END DATE: 10-17-21

ESTIMATED ATTENDANCE: 3,000

DESCRIPTION OF THE EVENT: The 7th Dripping Springs Songwriters Festival will be held at 5-6 venues on Mercer St and on 2 venues on Old Fitzhugh Road. Approximately 45 songwriters will perform on stages at The Barber Shop, Acoxon Brewing, Mazama Coffee Co, Hudson's on Mercer and near Grawlix in the Warehouse District and well as Sidecar Tasting Room and another venue to be determined soon.

INFORMATION FOR COORDINATION OF BANNER DESIGN

Item 3.

The City of Dripping Springs will be responsible for the design. We will work with organizer or organizer's design firm. Please list the contact information below:

NAME: Pam Owens
ORGANIZATION/COMPANY: DS Vistors Bureau
EMAIL: pam@destinationdrippingsprings.com
PHONE: 512-858-4740

BILLING INFORMATION IF DIFFERENT THAN APPLICANT:

CONTACT FOR BILLING: same
EMAIL:
PHONE:

SIGNATURE OF APPLICANT – By signing, applicant/organization agrees to meeting all dates and guidelines.

PRINTED NAME: PAM OWENS
SIGNATURE: Pam Owens DATE: 3-19-2021

*****BELOW INFORMATION IS TO BE COMPLETED BY CITY STAFF*****

RECEIVED BY CITY DATE: 3/19/2021
DATE: 3/23/2021 APPROVE DENY
NAME: LISA SULLIVAN
SIGNATURE: [Signature]

Send form to the City of Dripping Springs Communications Department. Email to: communications@cityofdrippingsprings.com.

Form MUST BE RECEIVED AT LEAST FIVE MONTHS PRIOR TO EVENT.

Questions, call: 512-858-4725



REQUEST FOR DOWNTOWN MERCER STREET BANNERS

MUST BE RECEIVED AT LEAST FIVE MONTHS PRIOR TO EVENT.

Knowing that there are many events and organizations that may request Mercer Street Pedestrian Light Pole Banners, the following policy will help guide those who may inquire or who are interested. These factors must be met before banners can be created and displayed:

- Banners will only be used for downtown Mercer Street events or general marketing that is connected to the City, such as branding.
- If banners are requested for an event, only events co-sponsored by the City will be considered.
- Only ***Downtown*** Mercer Street events will be considered, not events held in other parts of the City such as parks, event centers, etc.
- Events must be large scale, with 2,000 or more attendees anticipated and must be a 2-day or longer event.
- Banners must be able to be displayed for up to a month. The installation of the banners is work intensive, so banner requests and installation must be planned out accordingly.
- Dates for banner request must not conflict with banners already slated to be displayed. IE: An event in Mid-November may conflict with dates that Christmas on Mercer banners will be displayed and will not be approved. City will maintain a Mercer Street Banner Calendar that shows when and what banners are on display throughout the year.
- Banner request must be approved first by the City of Dripping Springs and then approved by the Historic Preservation Commission. Related sponsorship agreements must be approved according to city policy.
- City of Dripping Springs will design the banner, with input from requesting organization. Organization must supply needed graphics/logos in high-resolution format. Specs will be supplied to the organization once banner request is approved. Once design is created, organization will have two opportunities for proofing and corrections. If the City and organization cannot come to agreement on design, banners will not be created or placed.
- Final banner design will be approved by City of Dripping Springs, Historic Preservation Commission, and event organizer.
- Event organizer is responsible for the cost of printing the banners, including tax and shipping.
- There are 13 banner locations. Organizer must pay for 13 banners; no partial requests approved.
- Once event is over and banners are taken down, organization will be given the banners. City cannot store the banners.

If an organization or event is interested in the banners, they need to print out this form and send to lsullivan@cityofdrippingsprings.com. Form **MUST BE RECEIVED AT LEAST FIVE MONTHS PRIOR TO EVENT TO GIVE TIME FOR DESIGN AND APPROVALS.**



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

Submitted By: Laura Mueller, City Attorney

Historic Preservation Commission Meeting Date: April 1, 2021

Agenda Item Wording: **Discuss and consider recommendations on amendments for the Certificate of Appropriateness Process and Mobile Food Vendors in Historic Districts.**

Agenda Item Requestor: Historic Preservation Commission

Summary/Background: HPC asked Staff to work on the Certificate of Appropriateness (COA) process for Mobile Food Vendors in the Historic District. We created a committee to discuss the possible options related to process and the substance of the Mobile Food Vendor ordinance as it applies to the Historic Districts and COAs generally. The first step in amending the ordinance was for the P&Z Commission initiate the zoning amendment process pursuant to 2.29 of the Zoning Ordinance (Chapter 30, Exhibit A). They initiated that process on March 23, 2021. The newspaper notice for possible amendments was sent to the Newspaper on March 26, 2021. Flyers were created for Mercer Street businesses and were mailed and hand delivered where possible. The flyers contained the meeting dates for HPC, P&Z, and City Council as well as the public notice. A banner was also placed on the City's website advertising these meetings/public hearings.

Options for HPC Consideration:

1. Procedural (*Chapter 30, Exhibit A Zoning Ordinance, Section 4.2.15 Application for certificate of appropriateness; application for alternative exterior design standards; review procedure; appeals*):
 - a. No change.
 - b. Limit appeal process for Certificates of Appropriateness to direct to City Council review. This would mean an individual can appeal a Historic Preservation Commission COA denial to City Council. City Council makes the final decision.
 - c. Limit City Council review by requiring supermajority if denial by HPC is unanimous.

- 2. Substantive (*Chapter 30, Sections 30.05.032 & 30.05.037; Chapter 30, Exhibit A Zoning Ordinance, Section 4; Division 2: Historic Preservation*):
 - a. Make no change while the overall rewrite is underway. The Planning Department is rewriting the entire Zoning Code and can include these types of changes to its overall analysis.
 - b. Prohibit all permanent mobile food vendors from Mercer Street.
 - c. Prohibit all permanent mobile food vendors from 100 feet of Mercer Street.
 - d. Require all Mobile Food Vendors to be screened from the right-of-way.
 - e. Remove requirement of Certificate of Appropriateness from the review of Mobile Food Vendors in Mercer Street and Hays Street Historic Districts but require approval of Historic Preservation Officer when reviewing the Conditional Use Permit.

Commission Recommendations: HPC and P&Z recommended looking into the ordinances related to Mobile Food Vendors in the Historic District and the COA process.

Recommended Commission Actions: Make recommendations on Procedural and Substantive Changes.

Attachments: Staff Report; Current Ordinance Provisions, Historic Preservation Officer-Keenan Smith Presentation.

Next Steps/Schedule: Proposed: Newspaper Publication on April 1, 2021.
Planning and Zoning Commission on April 27, 2021.
City Council on May 11, 2021.

ARTICLE 30.05 MOBILE FOOD VENDORS

Division 1. Generally

Sec. 30.05.001 Popular name

This article may commonly be referred to as the “mobile food vendor ordinance.”

Sec. 30.05.002 Purpose

This article is adopted so that the city council may remove the temporary moratorium on mobile vendors, and enact the appropriate administrative and regulatory rules and procedures pertaining to mobile food vendors.

Sec. 30.05.003 Scope of jurisdiction

All of the provisions of this article shall apply within the city limits (i.e., incorporated municipal boundary) of the city.

Sec. 30.05.004 Effective date and duration

This article shall take effect immediately upon publication following the passage of this article.

Sec. 30.05.005 Definitions

City. The City of Dripping Springs, a municipality located in Hays County, Texas.

City limits. The incorporated municipal boundary of the city.

Food establishment. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

- (1) Such as a restaurant; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- (2) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Location. A mobile food vendor must relocate at least 2,000 feet from its current work location in order to not be considered located in the “same location.”

Mobile food court. Two or more mobile food vendors in the same location.

Mobile food establishment/mobile food vendor. A vehicle-mounted food establishment that is readily moveable.

Permit. A license, certificate, approval, registration, consent, contract or other form of authorization required by law, rule, regulation, order or ordinance that a person shall obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Person. A human individual, agency, association, corporation, partnership or sole proprietorship.

Site. A platted or unplatted lot in the city limits treated as a single tract for purposes of the assessment of property taxes. A site may be identified by its address, or legal property description.

Sec. 30.05.006 Water and electricity

- (a) Water provided or used by the mobile food vendor shall not come from a temporary connection to potable water.
- (b) Electricity shall be only from a generator or an electrical outlet via a portable cord that conforms to the city's electrical code and permitted by the electric provider.

Sec. 30.05.007 Fire safety

Mobile food vendors shall comply with all city fire and explosion safety standards. This requirement also applies to mobile food establishments that:

- (1) Maintain food at a hot holding temperature by mechanical means; and
- (2) Use a pressurized fuel system or container.

Sec. 30.05.008 Trash

All mobile food vendors shall:

- (1) Be equipped with an attached trash receptacle approved by the city's health authority;
- (2) Hold, store, and dispose of solid and liquid waste in a receptacle approved by the health authority and comply with any other applicable city code requirements;
- (3) Provide a trash receptacle for use by customers; and
- (4) Maintain the area around the mobile unit clear of litter and debris at all times.

Sec. 30.05.009 Provisions

- (a) All mobile food vendors shall comply with all city adopted health regulations regarding:
 - (1) Time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;
 - (2) If a mobile food vendor does not have a self-contained kitchen, as determined by the health authority, then the mobile food vendor must have a central preparation facility;
 - (3) All requirements prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit.

- (b) All mobile food vendors shall acquire a food-handling permit from the city; but rules are more substantial, as deemed appropriate by the city, if vendor is at a same location for at least 10 days out of a month.
- (c) If any mobile food vendor remains at a same location for longer than 10 consecutive days, a conditional use permit is required. If after 10 days, a mobile food vendor wishes to relocate to a different location within the city, the vendor may do so for an additional 5 days. In any given month, a vendor may not locate within the city limits for more than 15 days without a CUP per the requirements in this section.
- (d) All mobile food vendor courts with multiple vendors set up shall provide city-approved portable restrooms for customers.
- (e) The city shall require a mobile food vendor to come, on an annual basis, to a location designated by the health authority for an inspection.
- (f) The city may require that mobile food vendors found to violate this section shall come for a reinspection at a location designated by the city.
- (g) All mobile food vendors are required to store all food and supplies within the mobile unit.
- (h) All mobile food vendors are required to have displayed on the mobile unit the proper city-issued permits and licenses in order to operate within the city.
- (i) All mobile food vendors are permitted to operate only in office, GUI, industrial, public recreation, public park and reserve, and commercial and retail zoning districts.
- (j) All mobile food vendors are prohibited from operating between the hours of 11:00 p.m. and 6:00 a.m.
- (k) All mobile food vendors are prohibited from being located within 150 feet of a restaurant as defined in [chapter 30, exhibit A, section 1.6](#) of the city's code, measured from property line of the mobile food vendor to the property line of the restaurant, unless granted permission from all said restaurants. The noise level of mechanical equipment or outside sound equipment used in association with any mobile food vendor may not exceed 70 decibels when measured at the property line.
- (l) A drive-in service is not permitted for any mobile food vendor.
- (m) All mobile food vendor lighting shall comply with the city's lighting ordinance.

Any additional lighting for any of the mobile food vendor's signs shall comply with the city's lighting ordinance.

(n) All mobile food vendors are limited to signs attached to the exterior of the mobile vendor. The signs shall:

- (1) Be secured and mounted flat against the mobile unit;
- (2) Not project more than six inches from the exterior of the mobile unit; and
- (3) Not exceed 50% of the side of the surface area of the vehicle, trailer, etc., to which it is affixed.

(o) All mobile food vendors shall comply with the federal Americans with Disabilities Act.

(p) All mobile food vendors shall be located in areas where they shall have allowed access to three parking spaces, including off-street and on-street parking, or the reasonable equivalent, each. Parking spaces that are required for another business shall not be counted towards the required spaces for the mobile food vendor unless authorized by the business and approved by the city. Parking spaces shall comply with the city's parking standards found in the Code of Ordinances, chapter 30, exhibit A: zoning ordinance, section 5.3, including ADA standards. Mobile food vendors located in the Mercer Street historic district under the requirements of [section 30.05.032](#)(d) of this article are exempt from this provision.

(q) A mobile food vendor (longer than 10 days) or a mobile food court may request to have amplified sound/music as part of the CUP application. Staff will review the appropriateness of the request on a case-by-case basis and determine conditions in the CUP.

Sec. 30.05.010 Enforcement

(a) Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(b) Criminal offense.

(1) It is a criminal offense to erect, install, park or operate a mobile food

establishment in violation of this article.

(2) Per section 6.02(b) of the Texas Penal Code, an offense under this article is a strict liability offense requiring no showing of a culpable mental state.

(3) An offense under this article is a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00).

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

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

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

(3) Other available relief.

Secs. 30.05.011–30.05.030 Reserved

Division 2. Permits, Prohibitions, and Exceptions

Sec. 30.05.031 City authority

The city's acceptance, review, and approval of all permits for mobile vendors is hereby reenacted.

Sec. 30.05.032 Permit required

(a) It is an offense for a person to operate a mobile food establishment in the city limits without a mobile food vendor permit.

(b) It is an offense for a person to conduct sales at a mobile food establishment in the city limits without a mobile food vendor permit.

(c) It is an offense for a person to erect, install or park a mobile food establishment in the city limits without a mobile food vendor permit.

(d) It is an offense for a person to erect, install, or park a mobile food establishment within the boundaries of the Mercer Street or Hays Street historic districts, as defined in section 24.07.032 [[chapter 30, exhibit A, section 4.3.2](#)] of the

Code of Ordinances, unless:

- (1) The location or operation of the mobile food establishment is for a special event or city-sponsored event, for which the mobile food vendor is included in the permit application for which the event organizer must obtain a permit (see Code of Ordinances [section 6.02.071](#)); or
- (2) The mobile food vendor is a complementary extension, or outlet, of a brick-and-mortar restaurant or business and the applicant of a mobile food vendor applies for and is granted a certificate of appropriateness under the requirements of chapter, 24, article 24.07 [[chapter 30, exhibit A, section 4, division 2](#)] of the city code and applies for and is granted a conditional use permit under the requirements of [chapter 30, exhibit A: zoning, section 3.17](#) of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.
- (e) Applicants of mobile food vendors (longer than 10 days) or mobile food courts wishing to locate in the Old Fitzhugh historic district as defined in section 24.07.032 [[chapter 30, exhibit A, section 4.3.2](#)] of the Code of Ordinances must apply for and be granted a certificate of appropriateness under the requirements of chapter 24, article 24.07 [[chapter 30, exhibit A, section 4, division 2](#)] of the city code and apply for and be granted a conditional use permit under the requirements of [chapter 30, exhibit A: zoning, section 3.17](#) of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted.

Sec. 30.05.033 Permit application

A person who seeks to operate a mobile food establishment shall:

- (1) Submit a written application to the city;
- (2) Include with the application proof of:
 - (A) Sales tax certificate; and
 - (B) Sales tax report.

Sec. 30.05.034 Tax certificate

Mobile food vendors shall possess during hours of operation a city tax certificate showed as paid.

Sec. 30.05.035 Permit revocation

A vendor's mobile food vendor permit shall be revoked if any of the provisions of this article are not strictly adhered to.

Sec. 30.05.036 Special exceptions

Exceptions for relief of hardship caused by this article may be made in writing to the board of adjustment (BOA). Special exceptions may be granted by BOA when it determines in writing that one or more of the conditions listed below are satisfied:

- (1) Undue hardship.
 - (A) The applicant shall otherwise suffer undue hardship, that being something beyond or in addition to financial hardship;
 - (B) The current regulations are adequate to address the particular type of development and construction proposed by the applicant;
 - (C) It is in the public's interest to allow a limited exception to this article in the particular instance; and
 - (D) Authorizing the special exception will not adversely impact neighboring properties.
- (2) Planned development district agreement. The site is subject to a valid, written planned development district agreement between the property owner and the city.
- (3) Grandfathered. The site has grandfathered development status that has been recognized by the city in accordance with this code.

Sec. 30.05.037 Mobile food courts

- (a) Permanent food courts authorized by conditional use permit. A conditional use permit (CUP) is required to establish a permanent food court, following procedures for CUPs per [chapter 30, exhibit A: section 3.17](#) of the Code of Ordinances. A mobile food vendor who wishes to locate within 2,000 feet of another food vendor may do so only upon application for a conditional use permit for a mobile food court. Minimum spacing between mobile food courts is 2,000 feet.
- (b) Permanent mobile food courts shall comply with the following requirements:
 - (1) All mobile food establishments situated on the property shall be located on an impermeable surface such as concrete or rolled asphalt, or a stable permeable surface such as decomposed granite or other similar material;
 - (2) All mobile food establishments that remain on the property overnight shall have temporary connections for electricity, potable water, and sewage disposal, or a

system to adequately provide these services to each mobile food establishment;

(3) A restroom equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the mobile food court's mobile food establishments, employees, and customers shall be available on the property. The restroom shall be equipped with hand sinks, hot and cold water and either hand towels or forced air hand dryers. Within sixty (60) days of approval of the conditional use permit for the mobile food vendor court, the restroom facility must be constructed and fully functional.

(c) Pavilions with shade and similar seating areas (i.e. shaded picnic tables) for customers shall be provided, at minimum of eight places for seating at a table or tables for every three (3) mobile food vendors.

(d) Landscaping shall comply with parking lot landscaping requirements per [article 28.06](#) of the Code of Ordinances. Pedestrian pathways may also be provided.

(e) Special event temporary food court. A mobile food court at which no mobile food vendor shall be in place for more than 10 days may apply for a mobile food court permit without applying for a conditional use permit, but only in districts in which a mobile food court is allowed in the use chart. Special event temporary food courts shall provide all information required by the special event permit application and mobile food vendor permit application before establishing the temporary food court. The applicant for the special event at which the mobile food court desires to locate must provide written approval of the mobile food court at the special event.

(f) Signage. All mobile food vendor courts must comply with provisions of this article and the city's sign ordinance, [chapter 26](#) of the Code of Ordinances.

(g) Exterior design. All permanent structures in a mobile food court must comply with the city's exterior design ordinance, [article 24.03](#) of the Code of Ordinances.

(h) Amplified sound/music. Must comply with provisions in [section 30.05.009\(q\)](#) above.

(i) Outdoor lighting. All mobile food vendor courts must comply with the city's outdoor lighting ordinance, [article 24.06](#) of the Code of Ordinances.

(j) Mobile food courts in a historic district. A vendor wishing to locate a mobile food court within any historic district as defined in section 24.07.032 [[chapter 30, exhibit](#)

[A, section 4.3.2](#)] of the city's code must comply with all applicable regulations of this article.

(Ordinance 2018-09 adopted 4/10/18)

Division 2. Historic Preservation

4.2.1 Title

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

4.2.2 Purpose

(a) This division sets out standards and procedures for the protection, enhancement, designation and preservation of landmarks or districts of historical and cultural importance and significance.

(b) The city council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the city represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

- (1) Protect and enhance the landmarks and districts which represent distinctive elements of the city's historic, architectural, and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance the city's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (4) Ensure the harmonious, orderly, and efficient growth and development of the city;
- (5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city;
- (6) Encourage stabilization, restoration, and improvements of such properties and their values.

4.2.3 Scope

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

4.2.4 Burden of proof

An applicant for a certificate of appropriateness under this division must establish that the

application complies with the requirements of this division.

4.2.5 Definitions

(a) Rules of interpretation. Words and phrases used in this division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

Alteration. A physical change in or to a building.

Architectural control. Regulations governing the appearance or architectural style of buildings or structures. Architectural control is a form of aesthetic zoning.

Building. A building such as a house, barn, church, hotel, or similar construction that is created to shelter any form of human activity. “Building” also may be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Certificate of appropriateness. A signed and dated document evidencing the approval of the commission of historic structures, sites, or areas that are identified with the lives of historical personages or with important events in national, state, regional, or local history. Structures or areas that embody the distinguishing characteristics of an architectural type specimen as to color, proportion, form and architectural details.

Comprehensive historic preservation plan. A document that integrates the various preservation activities and gives them coherence and direction, as well as relates the community’s preservation efforts to community development planning as a whole.

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

Concept site plan. A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the city’s administrative officers and consultants, the commission, the P&Z, and the city council.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ordinary repairs or maintenance. Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage, and by using where possible original material. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or loadbearing support, or removal or change of means of egress. The term also omits changes in exterior paint color.

Overlay zones. A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

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

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

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

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

Special district. A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include open space districts, hotel/motel districts, or historic preservation districts. The establishment of special districts must have an appropriate police power basis.

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

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

4.2.6 Enforcement; penalties

(a) Enforcement. The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance.

(b) Criminal penalty. It shall be a violation of this ordinance to violate any provision of this division. Any person violating any provision of this division shall, upon conviction, be fined a sum not to exceeding two thousand dollars (\$2000.00) if the violation governs fire safety, zoning, public health, or sanitation. Each day that a provision of this division is violated shall and may constitute a separate offense. An offense under this division is a misdemeanor.

(c) Civil remedies. Nothing in this division shall be construed as a waiver of the city’s right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including but not limited to the following:

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

(2) A civil penalty up to five hundred dollars (\$500.00) a day when it is shown that the defendant was actually notified of the provisions of this division and after

receiving notice committed acts in violation of this division or failed to take action necessary for compliance with this division; and

(3) Other available relief.

4.2.7 Fees

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

4.2.8 Historic preservation commission

The Historic Preservation Commission is described in [Section 2, Procedures and Administration](#).

4.2.9 Historic preservation officer

(a) The mayor shall appoint a qualified city official, staff person, or appropriate resident of the city to serve as historic preservation officer (hereafter, the "officer"). This officer shall administer this division and advise the commission on matters submitted to it.

(b) In addition to serving as representative of the commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

4.2.10 Procedure for designation of landmarks and districts

(a) The city council may designate sites, buildings, structures, landscapes, and objects as landmarks and areas as historic districts and the public right-of-way in and surrounding them by adopting zoning overlay districts designated as "H" on the city's official zoning map pursuant to procedures incorporated into the city's zoning ordinance by the city council. The provisions pertaining to the designation of historic landmarks and historic districts constitute a part of the comprehensive zoning plan of the city.

(b) A designation request may be initiated by a property owner or the commission. A building or site may not be designated as landmark without the owner's consent.

(c) Property owners of proposed historic landmarks and property owners within a proposed historic district shall be notified by mail at least fifteen (15) days prior to the commission hearing on the recommended designation or the rescinding of a designation. At the commission's public hearing, owners, interested parties, and

technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark or proposed historic district.

(d) The commission may recommend the designation of a landmark or historical district if it meets one or more of the criteria for the designation of a landmark or district.

(e) Upon recommendation of the commission, the proposed historic landmark or historic district shall be submitted to the planning and zoning commission within thirty (30) days from the date of the submittal of the designation request. The planning and zoning commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the commission. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.

(f) The city council shall schedule a hearing on the planning and zoning commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the planning and zoning commission. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing. Notice of the hearing before the city council may be provided simultaneously with notice of the P&Z hearing.

(g) Upon designation of a building, object, site, or structure as a historic landmark or district, the city council shall cause the designation to be recorded in the official public records of real property of the county, the tax records of the city, and the Hays County Appraisal District, as well as the official zoning map of the city.

4.2.11 Criteria for designation of landmarks and districts

A historic landmark or historic district may be designated if it:

- (a) Possesses significance in history, architecture, archeology, or culture;
- (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;

- (c) Is associated with the lives of persons significant in our past;
- (d) Embodies the distinctive characteristics of a type, period, or method of construction;
- (e) Represents the work of a master designer, builder, or craftsman; and/or
- (f) Represents an established and familiar visual feature of the city.

4.2.12 Implementation standards; incentives

(a) Implementation manual.

(1) The city council is hereby authorized to enact by resolution implementation standards and guidelines.

(2) No person shall violate historic implementation standards or guidelines adopted by the city council under this section.

(b) Incentives.

(1) The city council is hereby authorized to approve by resolution financial and/or regulatory incentives for historic preservation, at the city council's discretion.

(2) Incentives shall be designed to achieve the purposes and objectives of this division.

(3) Applicants that obtain a certificate of appropriateness for an alternative exterior design standard are eligible for incentives under this division.

4.2.13 Certificate of appropriateness required; expiration

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

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

(c) Extension. A certificate of appropriateness may be extended by the city council

for up to six (6) months upon request of the applicant and upon showing of good cause.

(d) Exemption for ordinary repairs and maintenance. A certificate of appropriateness is not required for ordinary repairs and maintenance for which the cumulative cost of construction is less than ten thousand dollars (\$10,000.00). There is an expedited process for projects that for which the cumulative construction costs are less than ten thousand dollars (\$10,000.00) but involve more than ordinary repairs and maintenance.

4.2.14 Criteria for issuance of certificate of appropriateness; rehabilitation standards

(a) In considering an application for a certificate of appropriateness, the commission shall be guided by design guidelines adopted by the city, and, where applicable, the following from the Secretary of the Interior's standards for rehabilitation of historic buildings. Any adopted design guidelines and Secretary of the Interior's standards shall be made available to the property owners of historic landmarks or within historic districts.

(b) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

(c) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(d) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(e) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(f) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.

- (g) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, sustained by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (h) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (i) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (j) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (k) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that, if such alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would not be impaired.
- (l) Paint color shall be based on duplication of paint color, sustained by historical, physical, or pictorial evidence, when available, rather than on conjectural designs.
- (m) The commission shall review all construction plans and concept site plans for construction in the historic district in order to insure compatibility with the zoning requirements and the surrounding buildings and environment in relation to height, gross volume, and proportion.

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

- (a) Application. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the commission. The application shall contain:

- (1) Name, address, and telephone number of the applicant (and property owner(s), if different), detailed description of proposed work with a concept site plan; and a description of how the proposed work will be in character with the architectural or historical aspect of the structure or site and the applicable zoning requirements;
 - (2) Location and photograph of the property and adjacent properties;
 - (3) Elevation drawings of the proposed changes, if available;
 - (4) Samples of materials to be used;
 - (5) If the proposal includes signs or lettering, a sign permit application in conformance with the sign ordinance ([chapter 26](#) of this code), a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property;
 - (6) The intended and desired starting date and completion date of the alterations to be made;
 - (7) Color chips of the colors which will be used on the structure;
 - (8) Payment of the applicable fees as required by the fee schedule ordinance. The application will not be deemed complete nor will it be processed until such fee is paid in full;
 - (9) Any other information which the commission may deem necessary in order to visualize the proposed work; and
 - (10) Property owner's signed authorization of the proposed work.
- (b) Application for alternative exterior design standards. Alternative exterior design standards for any new construction in a historic district may be submitted, along with all application requirements in subsection (a) of this section, for consideration by the commission when site conditions make strict compliance with the certificate of appropriateness requirements undesirable or impractical.
- (1) Considerations. The alternative standards shall, as a whole, meet or exceed the standards of the implementation manual adopted by the city council, as amended. When a provision is reduced, the alternative standards shall increase other provisions to offset any noncompliance. For instance, if exterior materials do not meet the guidelines of the implementation manual, the architectural features,

landscape features or other enhancements may be accentuated to balance the building's overall historic impact.

(2) Review and appeal process. The commission shall consider the alternative exterior design standards for issuance or denial. An applicant for an alternative exterior design standard dissatisfied with the action of the commission relating to the issuance or denial of an alternative exterior design standard shall have the right to appeal in accordance with the appeals process for the certificate of appropriateness in subsections (f) and (g) of this section.

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

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

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

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

(f) Appeal to planning and zoning commission. An applicant for a certificate of appropriateness dissatisfied with the action of the commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the planning and zoning commission within thirty (30) days after receipt of notification of such action. The planning and zoning commission shall conduct a

hearing within thirty (30) days of receipt of a written letter of appeal. The planning and zoning commission shall give notice to the applicant by mail. The planning and zoning commission shall make its decision within thirty (30) days of the hearing.

(g) Appeal to city council. An applicant for a certificate of appropriateness dissatisfied with the action of the planning and zoning commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the city council within thirty (30) days after receipt of notification of such action. The city council shall conduct a hearing within thirty (30) days of receipt of a written letter of appeal. The city council shall give notice to the applicant by mail. The city council shall make its decision within thirty (30) days of the hearing.

(h) Expedited process for small projects. There shall be an expedited process for obtaining a certificate of appropriateness for small projects, the cumulative costs of which are less than ten thousand dollars (\$10,000.00). This process is available for projects that involve more than just ordinary repairs and maintenance. The historic preservation officer is hereby authorized to administratively approve the applications without public notice or a hearing. Administratively complete applications shall be evaluated and decisions rendered within fifteen (15) business days of submittal. To be eligible, the project must not involve:

- (1) Expansion or reduction of the building's footprint;
- (2) Alterations to the building facade facing a public street or street right-of-way;
- (3) Modifications of the building's color scheme; or
- (4) Any substantive revisions that in the historic preservation officer's judgment are contrary to the spirit of this division and harmful to the integrity of the historic landmark or, if the building is not a landmark, the historic district.

4.2.16 Certificate of appropriateness for demolition

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

4.2.17 Economic hardship

(a) Hardship process. After receiving written notification from the commission of the denial of a certificate of appropriateness, an applicant may commence the hardship

process. No building permit, demolition permit, or certificate of appropriateness shall be issued unless the commission makes a finding that hardship exists, and an economic hardship letter is issued by the city.

(b) Criteria for claim of hardship. When a claim of hardship is made due to the effect of this division, the owner must prove that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(c) Effort to seek alternative. The applicant shall consult in good faith with the commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be documented to the commission.

(d) Action by commission. The commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the officer. Following the hearing, the commission has thirty (30) days in which to prepare a written recommendation to the building official or other official. In the event that the commission does not act within ninety (90) days of the receipt of the application, a letter may be issued.

(e) Form of decision. All decisions of the commission shall be in the form of a written letter. A copy of the letter shall be delivered to the applicant in person or by registered mail and a copy filed with the city secretary's office for public inspection. The commission's decision shall state the reasons for granting or denying the economic hardship application.

(f) Appeal to planning and zoning commission. An applicant for a economic hardship letter dissatisfied with the action of the commission relating to the issuance or denial of a economic hardship letter shall have the right to appeal to the planning and zoning commission within thirty (30) days after receipt of notification of such action. The planning and zoning commission shall conduct a hearing within thirty (30) days

of receipt of a written letter of appeal. The planning and zoning commission shall give notice to the applicant by mail. The planning and zoning commission shall make its decision within thirty (30) days of the hearing.

(g) Appeal to city council. An applicant for a economic hardship letter dissatisfied with the action of the planning and zoning commission relating to the issuance or denial of a economic hardship letter shall have the right to appeal to the city council within thirty (30) days after receipt of notification of such action. The city council shall conduct a hearing within thirty (30) days of receipt of a written letter of appeal. The city council shall give notice to the applicant by mail. The city council shall make its decision within thirty (30) days of the hearing.

4.2.18 Compliance with certificate of appropriateness; inspections; stop-work order

All work performed pursuant to a certificate of appropriateness issued under this division shall conform to any requirements included therein. It shall be the duty of the city inspector or the officer to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, the city inspector or the officer shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

4.2.19 Ordinary maintenance and insignificant alterations

Nothing in this division shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or loadbearing support, or removal or change of means of egress.

4.2.20 Demolition by neglect

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

- (a) Deterioration of exterior walls or other vertical supports;
- (b) Deterioration of roofs or other horizontal members;
- (c) Deterioration of exterior chimneys;
- (d) Deterioration or crumbling of exterior stucco or mortar;
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including

broken windows or doors; and/or

(f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

	Expenditure	Comments
GENERAL FUND		
Historic District Consultant	\$3,000.00	
SPECIAL PROJECTS		
Historic Site Brochure Printing*	\$0.00	Lisa confirmed not needed
OFR and Hays St. District Signage Design*	\$2,000.00	
Mercer St pedestrian light banners production*		estimate \$700 per set of banners
Mercer Street Planters (Quantity 4)**	\$3,850.00	\$3,700 for planters; \$150 plant materials
TOTAL	\$8,850.00	
SUPPORT OF PROJECTS		
Support improvements to Stephenson Bldg		
Support of advancement of Old Fitzhugh Rd. Improvement Project		
*Eligible for Hotel Occupancy Tax Funds		
**Eligible for Landscape Funds		

**HISTORIC PRESERVATION COMMISSION
FY 2021 Approved Budget**

Item 5.

	A	B	C
		Expenditure	Comments
1			
2	GENERAL FUND		
3	Historic District Consultant	3,000.00	amount increased \$1,000 by City Council based on last year's expenses
4			
5	SPECIAL PROJECTS		
6	Website pages for Historic Site Brochure & Additional Sites*	4,000.00	City Council did not approve funds because website page creation for Historic Sites and Districts to be done by city staff
7	Historic Site Brochure Printing*	2,500.00	
8	Street Name Signs, Poles & Stop Signs*	8,500.00	remaining Hays Street District street signs
9	OFR and Hays St. District Signage Design*	2,000.00	design City Council did not approve this item
10	Mercer St pedestrian light banners design and production*	6,500.00	in FY 2020 budget, project may span 2 fiscal years
11			
12	TOTAL	20,500.00	revised to reflect amount approved by City Council
13			
14			
15			
16	SUPPORT OF PROJECTS		
17	Support improvements to Stephenson Bldg		
18	Support of advancement of Old Fitzhugh Rd. Improvement Project		
19			
20	*Eligible for Hotel Occupancy Tax Funds		



670 Mercer Road | Butler, PA 16001-1840
 Toll-free: 1-800-284-8208 | Phone: 724-284-1213 | Fax: 724-284-1253
 www.keystoneridgedesigns.com

DATE:	2/25/2021	ATTN:	MICHELLE FISCHER
QUOTATION #:	042505-00	EMAIL:	mfischer@cityofdrippingsprings.com
PROJECT NAME:	DRIPPING SPRINGS - PLANTERS	CUSTOMER #:	015164
QUOTE VALID TO:	06/30/2021	SELL TO:	CITY OF DRIPPING SPRINGS
PAYMENT TERMS:	NET 30		PO BOX 384
EST. LEAD TIME:	10 WEEKS		
FAX NUMBER:			DRIPPING SPRINGS, TX 78620-0384
SALES REP:	Justin Maskal	SHIP TO:	
EMAIL:	JustinM@keystoneridgedesigns.com		
EXTENSION:	243		DRIPPING SPRINGS, TX 78620

Please confirm the ship to location listed on the top portion of this quote and complete the following when placing your order

**24 Hour Advance Shipment Notification To/
 On-Site Contact:** _____

Phone: _____

QUOTE SUMMARY:

Total Quotation Amount:	\$3,696.17
Payment Required to Activate Order:	\$0.00
Remaining Balance Due Net 30	\$3,696.17

SPECIAL CONSIDERATIONS:

Terms of Sale: Net 30

* All credit card transactions are subject to a 3% processing fee. This fee can be waived if paid by check, ACH or wire transfer.

LINE ITEMS:

Line	Part #	Description	Qty	Unit Price	Extended Price
1	0H304-2A02000-0002	HIII4-22, HARMONY III PLANTER 22 GAL STEEL SLEEVE, PLASTIC LINER, WITH ADJUSTABLE LEGS - BRONZE	4	\$765.00	\$3,060.00

Total Material Costs: \$3,060.00

Freight & Packaging: \$636.17

Quotation Total: \$3,696.17

I acknowledge that I have received and reviewed the complete terms and conditions of this quotation. By signing this page, I understand and accept all of Keystone Ridge Designs' Terms and Conditions as outlined on this page and all proceeding and subsequent pages of the quotation. See following page for complete terms and conditions.

Authorized Signature

STANDARD PAYMENT TERMS

Products and quantities needed are the responsibility of the customer. All products are produced to individual customer specification and unless otherwise stated, require a 50% down payment before manufacturing along with a sign off on this quotation. Balance of materials, freight and packaging and sales tax (if applicable) is due before products ship. This payment method is an effective and efficient system to ensure timely production and scheduling, ultimately providing greater cost savings to the client. MasterCard®, Visa®, American Express® and Discover® are accepted payment methods.

- A 50% down payment of total costs is required to activate an order with an approved credit card, check or money order. Check or money order payment orders will be activated upon receipt. Credit card orders will be immediately activated. Client may pay balance C.O.D. with a cashiers check. C.O.D. also requires an additional fee to the trucking company, payable with a second cashiers check. Please note that full truck shipments cannot be sent C.O.D.
- The remaining 50% of total costs is due before the products will ship from the factory. Upon notification from Client Services, the remaining balance is payable by approved credit card, check or money order.
- If payment in full is received along with order activation, a 2% discount will be applied to material costs only. Credit card purchases are excluded.
- On the day your products ship, Client Services will contact you with pertinent shipping information.

FREIGHT & PACKAGING

Freight and packaging charges to stated shipping address are based on quantities listed on quotation. If the scope of project changes, freight and packaging will be revised accordingly.

Unless otherwise indicated, freight charges do not include unloading and placement. If you require lift gate service (lowering the products to ground level if there is no loading dock), please call for pricing before placing an order.

24-hour advance notification is including with your freight quote. You will receive a call from the shipping company prior to delivery.

DISCOUNTS

Discounts are applied based on a tiered sales volume structure. If products or quantities change, discount will be revised accordingly.

TAX

Sales tax will be assessed only to products shipping to or picked up within Pennsylvania and will be listed as a line item on the quotation.

CANCELLATIONS & RETURNS

A 25% restocking fee will be assessed on returned orders and orders cancelled more than two weeks after placement.

STORAGE

Storage fees will begin to accrue after one month from the date that the client is notified that the products are ready to ship, or one month after the estimated delivery date (whichever is later).

LEAD TIME

Delivery dates are estimated dates only and vary, but are usually estimated for 8-12 weeks. Final ship date notification will be coordinated through our Client Services.

HARDWARE

Keystone Ridge Designs utilizes high-quality stainless steel assembly hardware where applicable. Anchoring hardware, due to specialization required for each installation, is not supplied. Stainless steel hardware is recommended.

DELIVERY

The bill of lading is considered the client receipt and should be compared to each delivery for discrepancy. Products should be carefully examined for damage incurred during shipment. Keystone Ridge Designs, Inc.® is not responsible for product damage or shortage once the bill of lading is signed by the client. Inconsistency between order and shipment quantities, as well as product damage, must be indicated on the bill of lading upon delivery and before the freight company leaves the delivery site in order to file a damage claim with Keystone Ridge Designs, Inc. If damage is found or if there are any concerns regarding delivery, immediately notify Client Services at 1-800-284-8208.

WARRANTY

Keystone Ridge Designs, Inc.® is committed to product quality as well as client satisfaction. Therefore, all products are covered against material and workmanship defects for THREE YEARS from the date of purchase. "Material" is defined by all metal substrates that create the structure of the site furniture and the powder coat finish that coats the product. "Workmanship" refers to the welding, material bending and finishing. Any defect to our product that is a failure of the product within the normal wear and tear of product usage is covered under the warranty. Product damaged by abnormal use, vandalism or acts of nature are not eligible for this factory warranty.

To apply for the three-year warranty, products must be installed according to the manufacturer's recommendations. Products are recommended to be bolted to the surface to avoid theft, damage or movement. Umbrellas must be anchored in an 80 lb. or heavier base to apply for the three-year warranty. For questions concerning proper installation of our products, please call Client Services. Keystone Ridge Designs, Inc.® will repair or replace any part found defective upon written notification and inspection by Client Services.

Wood table/seat tops, fiberglass planters, gypsum planters and other products, as noted, are guaranteed for indoor use only.

PROPRIETARY STATEMENT

Keystone Ridge Designs, Inc. ® is proud to offer the design community exceptional site amenities. Due to the time and resources invested in designing, manufacturing and marketing Keystone Ridge Designs™ products and services, we pursue design patents, copyrights, trademarks and service marks whenever possible. Any unlawful duplication or misrepresentation of Keystone Ridge Designs™ products or promotional materials will be rigorously protected.

Keystone Ridge Designs reserves the right to alter pricing, product design, materials or construction without notice.

Keystone Ridge Designs' products are covered by one or more of the following patent numbers: United States Des. 372,133; 376,270; 380,313; 406,700; 406,701; 413,449; 413,738; 414,952; 418,652; 420,814; 421,515; 421,824; 423,166; 423,239; 424,769; 440,060; 446,399; 449,745; 454,674; 456,579; 457,334; 457,701; 457,738; 457,741; 457,742; 458,044; 459,563; 461,336; 465,679; 465,936; 465,952; 466,318; 466,729; 467,104; 471,368; 474,618; 474,619; 481,890; 506,339; 510,216; 515,856; patents pending or Exclusive By Design™.

Keystone Ridge Designs, Inc. designs, manufactures and markets an original and exclusive line of site furniture. In accordance with the United States patent process, our products are officially marked with the designated descriptive numbers and required labeling. We strictly prohibit any other labeling which interferes, mutilates or restricts the legal requirements of product identification.