

ORDINANCE NO. 1187

AN ORDINANCE AMENDING ZONING ORDINANCE 735 OF THE CITY OF LLANO, TEXAS, BY AMENDING SECTION 7, ADDING A HISTORIC PRESERVATION DISTRICT; ADDING SECTION 19B "HPD"-HISTORIC PRESERVATION DISTRICT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Llano and the City Council of the City of Llano, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the City Council of the City of Llano is of the opinion that the Comprehensive Zoning Ordinance should be amended; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LLANO, TEXAS:

SECTION 1. That the Zoning Ordinance of the City of Llano, Texas, as heretofore amended, be, and the same is hereby, amended by adding the following use category to "Section 7 Zoning District Established and Definitions":

HPD – HISTORICAL PRESERVATION DISTRICT: The HPD – Historical District is established to provide protection, enhancement, and perpetuation of Historic Districts and Historic landmarks or historical and cultural significance in the City of Llano necessary to promote the economic, cultural and educational welfare of the public.

SECTION 2. That the Zoning Ordinance of the City of Llano, Texas, as heretofore amended, be, and the same is hereby, amended by adding Section 19B as follows:

SECTION 19B "HPD – HISTORICAL PRESERVATION DISTRICT
That the Zoning Ordinance of the City of Llano, Texas, as heretofore amended, be, and the same is hereby, amended by adding Section 19 B (Exhibit "A" attached).

SECTION 3. That all ordinances of the City of Llano in conflict with the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Llano not in conflict with the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof other than the part decided to be invalid, illegal or unconstitutional, and the same shall not effect the validity of the Comprehensive Zoning Ordinance as a whole.

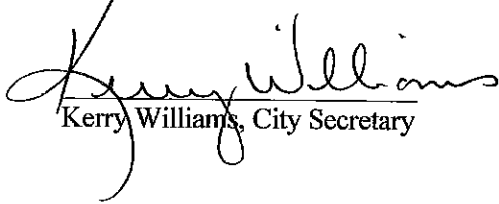
SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Llano, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars

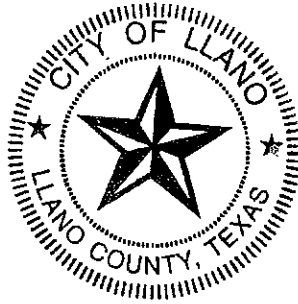
for each offense, and each and every day such a violation is continued shall be deemed to constitute a separate offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide.

DULY PASSED by the City Council of the City of Llano, Texas, on the 25th day of July, 2011.

ATTEST:


Kerry Williams, City Secretary




Mike Reagor, Mayor

CITY OF LLANO, TEXAS

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HISTORIC PRESERVATION ZONING ORDINANCE

WHEREAS, CHAPTER 211 TEXAS LOCAL GOVERNMENT CODE authorizes zoning functions and procedures for municipalities: and

WHEREAS, CHAPTER 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005 authorizes the governing body of a municipality to divide the municipality into districts, including overlay districts, which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulations must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LLANO, TEXAS:

That the following Historic Preservation Zoning Ordinance is hereby adopted by the City Council of Llano, Texas as part of the City of Llano Zoning and Sub Division Regulations, pursuant to Chapter 211 TEXAS LOCAL GOVERNMENT CODE.

SECTION II: PURPOSE

The Llano City Council hereby declares the protection, enhancement, and perpetuation of Historic Districts and Historic Landmarks of historical and cultural significance in the City of Llano necessary to promote the economic, cultural and educational welfare of the public. More specifically, the purpose of this Historic Preservation Zoning Ordinance is intended to achieve the following policy goals:

- A. To protect, promote and enhance the historic resources of the City of Llano by maintaining landmarks that represent distinctive elements of the City of Llano's historical, architectural and cultural heritage.
- B. To promote economic prosperity and the welfare of the community by encouraging the rehabilitation, maintenance and use of historic properties and open spaces and creation of compatible replacement construction.
- C. To protect property owners' investments and property values.
- D. To provide for the flexible development and redevelopment within the District allowing for individual personality of all buildings and commercial uses.
- E. To enhance the City of Llano's attractiveness to residents and visitors, thereby supporting and stimulating the economic benefits of local commerce and tourism.
- F. To promote a generally harmonious appearance of both historic and modern structures through the use of complimentary scale, form, color, proportion, texture, and material.
- G. To foster civic and cultural pride in the beauty and accomplishments of the past.
- H. To encourage stabilization, restoration and improvements of such properties and their values.
- I. To provide a review process for the continued preservation and appropriate development of the City's historic resources.
- J. To be used in addition to and in conjunction with all existing zoning and city ordinances.

SECTION III: DEFINITIONS

Alteration: A physical change to the exterior appearance of a historic landmark as seen from the public right-of-way. A change to the exterior of a historic landmark, building, object, structure or site within a designated district. For buildings, objects, sites or structures, alteration shall include the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, or balconies.

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

Commercial: Any structure or resource that is used for a business, multi family dwelling, or combination business and dwelling.

Demolition: The intentional destruction of any building, structure, object or site, designated a landmark or located within a Historic District.

Design Standards: A set of pre determined guidelines approved and made part of this Ordinance by reference for the construction, design, color, and architectural elements of buildings within the historic zoning district and for designated historic landmarks.

Historic District: A district as designated by the Llano City Council that possesses a significant concentration, linkage, or continuity of buildings, structures, objects or sites, including open spaces, that unite historically or aesthetically by plan or physical development. A Historic District has outstanding historical, cultural, architectural or archaeological significance in the state, nation, region or community. Properties and resources within the Llano Historic Districts are shown on the map attached to this ordinance.

Historic Landmark: A Historic Landmark, as accepted by the Llano City Council only at the request of the property owner, is a building, structure, object or site which has outstanding historical, cultural, architectural or archaeology significance in the state, nation, region or community; embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master designer, builder, or craftsman; or has yielded, or may be likely to yield, information important to history. The designation "Historic Landmark" recognizes that the accessory building (s), fences, or other appurtenances at the site, maybe equally and vitally important to the preservation of the property or resource. Properties and resources accepted and designated as a Historic Landmark by the Llano City Council are shown on the map attached to this Ordinance and are required to comply with this Ordinance as though they are within the Historic Zoning District.

Historic Preservation Permit: A permit obtained from the City of Llano that certifies that the proposed plans, alteration, construction, reconstruction, or rehabilitation have met with the approval of the Historic Preservation Review Board and/or the City of Llano Design Standards. A sketch of plans is required to obtain a permit but plans do not require professional architectural drawings, except in the case of new commercial construction.

Historic Preservation Priority Rating: Three-tier rating system used in the *Llano Historic Resource Survey*, attached hereto and made part of this Ordinance by reference, used to evaluate every property and resource within the City's Historic District. Ratings are based upon current determinations of architectural value and integrity and if known, historical and cultural value, and may be altered from time to time as additional information is discovered or circumstances change. Reference "*Guidelines For Local Surveys: A Basis For Preservation Planning*" Texas Historical Commission.

Structures may have more than one rating (i.e., the main structure may have high but an addition may be medium or low).

Llano Historic Resource Survey: A comprehensive architectural survey of all properties within the City's Historic District and adjoining areas, as updated is made part of this Ordinance by reference which may be amended from time to time as allowed by this Ordinance. Reference "**Guidelines For Local Surveys: A Basis For Preservation Planning**" from the **Texas Historical Commission – 106 page "How To" Book**)

New Construction: Any building, object, or structure which is relocated, assembled, produced or erected that alters the appearance of a property or resource, including the replacement of a building or structure or a portion thereof that has been removed or destroyed.

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 a designed landscape.

Overlay Zones: A set of zoning requirements that are 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.

Ordinary Maintenance and Repair: Replacement or repair of like kind and quality of the original resource that does not involve a significant change in design, material or outward appearance.

Property: Property shall include buildings, structures, objects, open spaces, and sites.

Rehabilitation: The act or process of returning a building, object, or structure 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 or resource which are significant to its historical, cultural or architectural values.

Residential: A structure or resource that is used for single family dwelling only.

Resource: Any property, building, structure, object, site, or open space within the confines of a Historic District or Historic Landmark that has been approved and adopted by the City of Llano.

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

Sign: Any letters, figures, symbols, trademarks, or devices designed to inform people or attract the attention of persons or to an individual, firm, profession, business, commodity or service, and which is recognizable from any public right-of-way. A sign erected for more than 60 days shall be considered a permanent sign.

Site: A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure where the location itself possesses historical, cultural, or archaeological value.

Structure: The term structure is used to describe structures functionally constructed for purposes other than creating shelter for human activity.

SECTION IV: HISTORIC PRESERVATION BOARD - DUTIES AND POWERS

The City Council of the City of Llano shall establish and maintain a Historic Preservation Board herein referred to as the Board, for a Historic District and Historic Landmarks, which shall be vested with the responsibility of assuring that the integrity of properties or resources within the Local Historic District or Historic Landmarks are protected. The Board shall be composed of no less than five (5) nor more than seven (7) voting members. The Mayor, Historic Preservation Officer and City Manager shall serve as nonvoting ex officio members of the Historic Preservation Board.

A. Appointment:

The Llano City Council may appoint members of the Board under the guidelines listed herein:

1. All Board members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in the historic preservation within the City of Llano.
2. All voting members shall own property within the District.
3. Additional Board members may be appointed with specific expertise in design, architecture, or real estate.

B. Terms and Officers

The term of office shall be staggered, with initial terms of one year for three (3) members and two (2) years for four (4) members. Subsequent terms shall be for a period of two (2) years. Members may serve a maximum of three (3) consecutive terms.

The Preservation Board shall elect at its first meeting of the calendar year a Chairman, Vice Chairman and Secretary.

C. Powers and Responsibilities:

To carry out the business of the Historic Preservation Review Board as defined in this Ordinance including, but not limited to administration of the Ordinance; advising and recommending amendments to the Historic District, designations, and Landmarks;

and counseling the City of Llano Planning Commission and City Council on preservation needs and efforts.

D. Meetings:

The Board shall hold a regular monthly meeting, unless no applications for work have been received, or unless no Board action is required. Special meetings may be called upon request of the Chairman, the Vice-Chairman, or the Mayor. All meetings must be held in accordance with the Texas Open Meeting Act, pursuant to Chapter 551 of the Texas Government Code.

E. Attendance:

Any voting member of the Preservation Board absent for more than (3) three consecutive meetings may be removed from the Board by City Council at the request of the Chairman of the Historic Preservation Board.

F. Quorum:

For the purposes of conducting business, a majority of the Board constitutes a quorum. Action requires a simple majority of those Board members present.

SECTION V: HISTORIC PRESERVATION OFFICER

The City of Llano Building Official is declared the Historic Preservation Officer and is responsible for carrying out the duties described in this Ordinance.

In addition to serving as an ex officio member of the Preservation Board, the Preservation Officer is responsible for coordinating the City's preservation activities with those of the Texas Main Street Program, with state and federal agencies, and with local, state, and national nonprofit preservation organizations.

SECTION VI: HISTORIC DISTRICT - DEFINED

The City of Llano Historic District is defined in the official zoning Historic District map, attached hereto and made part of this ordinance by reference. The map shall clearly show the properties within the district and shall be signed and dated by the Mayor upon approval by City Council. Amendments to the map shall be made in accordance with Section XIII of this Ordinance. Any amendment to the official map shall note the amendment, date of the amendment and be certified by the Mayor as approved. All Historic District designations shall meet criteria found in Section VIII of this ordinance. The Historic District is an overlay zoning district and all properties within the district are required to comply with the requirements of both zoning districts or the more restrictive of the two.

SECTION VII: HISTORIC LANDMARK DESIGNATION

Historic Landmarks will be accepted only by request of the property owner and approval of the Llano City Council. Historic Landmarks are shown on the official Zoning map and each Landmark shall bear the words "Historic Landmark" (HL) in its zoning designation.

Historic Landmark designation may be made in any City of Llano Zoning District, and such a Historic Landmark shall be subject to both the terms of this Ordinance, as well as the zoning restrictions applicable to the underlying zoning district in which the Landmark is located (for example site plans, uses, setbacks and other development and/or building regulations).

Historic Landmarks shall consist of the properties or resources shown on the map attached to this Ordinance. The City Council, upon recommendation of the Historic Preservation Review Board and Planning and Zoning Board, may from time to time designate certain additional buildings, sites, structures, or objects in the City of Llano as Historic Landmarks; however the Board must first obtain written approval from the property owner prior to recommending the Landmark for historic designation.

1. The Historic Preservation Board and the Planning Commission must hold separate public hearings concerning proposed historic landmarks before making a recommendation to the City Council. Property owners of proposed Historic Landmarks must be notified prior to all hearings on the recommended designation. At the public hearings, owners, interested parties and technical experts may present testimony or documentary evidence which will become part of a record regarding the historical, cultural, architectural or archaeological importance of the proposed Historic Landmark.
2. The City Council shall schedule a public hearing on the recommendations to be held within forty-five (45) days of the receipt of the recommendation of the Planning Commission. The City Council shall give notice, follow the publication procedure, hold a hearing and make a determination.
3. Upon designation of a building, object, site, or structure as a historic landmark, the City Council shall cause the designation to be recorded on a Historic District and Landmark Zoning Map along with previously designated Historic Districts and Historic Landmarks.

Section VIII: CRITERIA FOR THE DESIGNATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS

In making the recommendation to designate an area as a Historic District or a property or resource as a Historic Landmark, the Board shall consider one or more of the following criteria:

- A. Significance in history, culture, architecture, or archaeology.
- B. Association with events that have made a significant contribution to the broad patterns of local, regional, state or national history.
- C. Embodiment of distinguishing characteristics of an architectural style, or type, period, or method of construction.
- D. Relationship to other distinctive buildings, sites, districts or structures which are historically significant and preserved, or which are eligible for preservation.
- E. Importance as an established and familiar visual feature of a neighborhood, community or the City.
- F. Value as an aspect of community sentiment or public pride.
- G. Identification with a person or persons who significantly contributed to the development or culture of the City.

H. The work of a master designer, builder or craftsman.

SECTION IX: PERMITS REQUIRED – ALLOWABLE WORK – PRESERVATION
PRIORITY RATING

Prior to obtaining a Historic Preservation Permit, no person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any property or resource within a Historic District or involving a Historic Landmark, except when necessary for protection of property, public safety or ordinary repair and maintenance.

The Historic Preservation Permit granted under this Ordinance is not a building permit, as that term is normally used, but is a permit that indicates the proposed alteration or construction conforms to the requirements of the Ordinance. There is no fee for the Historic Preservation Permit.

A. PROCEDURES/APPLICATION

Prior to the commencement of any work requiring a Historic Preservation Permit, the property owner shall file an application for such a permit with the City of Llano Historic Preservation Officer. The application shall contain:

1. Name, permanent address, and telephone number of applicant.
2. Name, permanent address, and telephone number of property or resource owner.
3. Physical address of property or resource
4. A detailed description of proposed work.
5. A drawing or sketch of the proposed external alterations and/or repairs, and/or design for existing or new buildings.
6. If the proposal includes signs or lettering the sign must comply with current City of Llano Sign Ordinance.
7. The intended start and finish dates for alterations and/or repair.

All applications shall be reviewed by the Historic Preservation Officer upon receipt. If determined to be incomplete or not in compliance, the application will be returned or sent to the applicant for completion within two (2) working days prior to submittal to the Board.

B. PRESERVATION PRIORITY RATING:

At such time as a property or resource is either incorporated into a Historic District or designated as a Historic Landmark, such property or resource shall be rated high, medium, or low. The Board shall rate the same at its meeting considering the request or application and the Board's rating shall become effective at such time as the City Council either incorporates the property or resource or designates it as a Historic Landmark. Appeals of the rating may occur following incorporation into a Historic District or following designation as a

Historic Landmark, and shall follow the procedure set forth in Section XI of this ordinance.

1. HIGH Rating: Properties and resources designated with a High Priority rating are the most significant commercial properties identified in the *Llano Historic Resource Survey* within a Historic District and are considered to be outstanding, unique, or good examples of architecture, engineering, or design, and are noteworthy examples of 19th and 20th century architectural types, styles and forms, erected using local building materials and construction technologies.
2. MEDIUM Rating: Properties and resources designated with a Medium rating in the *Llano Historic Resource Survey* within a Historic District that may or may not be identified as architecturally significant on an individual basis, but are nonetheless valuable resources that add to a Historic District's overall character, and may be so ranked due to their proximity or contribution to the cultural, historical, architectural, or archeological character of a Historic District or surrounding properties. These properties may have been moderately altered or are typical examples of a common architectural style or form, but generally retain their historic integrity to a good or moderate degree.
3. LOW Rating: All residential properties and resources within a Historic District will be designated as having a Low Rating. Commercial properties identified in the *Llano Historic Resource Survey* within a Historic District that minimally enhance a Historic District's ability to convey a sense of time and place are designated as having a Low Rating. These properties may be typical examples of more recent, common local building forms, architectural styles, or plan types. The types of properties could also be examples of distinctive building forms, architectural styles, or plan types that have been significantly altered, which may or may not meet the usual fifty (50) year threshold for possible National Register of Historic Places listing, and/or could be properties that are in severe disrepair.

C. CRITERIA FOR PERMIT APPROVALS

In determining the recommendation and action on an application, the Board and/or the Preservation Officer shall be guided by the adopted Design Standards, and/or where applicable, may use as a guideline *The Main Street Program/The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*.

1. Every reasonable effort shall be made to adapt the property or resource in a manner which requires minimal alteration of the building, structure, object, or site and its environment
2. 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.

3. 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.
4. 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.
5. No building or resource, existing at the time this Ordinance is enacted, regardless of prior alterations, shall be required to modify, change or alter its appearance or function to meet the requirements of this Ordinance or Design Standards included within this Ordinance.
6. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
7. Deteriorated architectural features shall be repaired rather than replaced, when feasible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial architectural elements from other buildings or structures.
8. No method for surface cleaning will be undertaken that will damage the historical integrity of a resource. Recommendations and assistance will be available and provided at the property owner's request from the Historic Preservation Officer or the Main Street Director.
9. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
10. 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 or resource, neighborhood, or environment.
11. For alteration, new construction, and maintenance every effort shall be made to comply with the approved Design Standards.
12. Whenever feasible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

D. DESIGN STANDARDS

In order to consistently administer this Ordinance, the Historic Preservation Board shall publish design standards, attached hereto and made part of this Ordinance by reference. The design standards shall serve as a guideline for the construction, alteration, removal, rehabilitation, or reconstruction of any property within the Historic District or a Historic Landmark. The standards shall include appropriate exterior finishes and construction, appropriate architectural features, and colors.

E. SIGNS

Signs are considered an alteration to property and per City of Llano Ordinance No. 994, a building permit is required. For signs outside the scope of Ordinance 994, either in size, color or dimension, review and approval from the Historic Preservation Board shall be required.

F. PERMIT FOR DEMOLITION

A Historic Preservation Permit is required for all demolition in the Historic District.

1. For Historic Landmarks, the applicant shall consult in good faith with the Historic Preservation Review Board through the City Historic Preservation Officer in an effort to seek an alternative that would result in the preservation of the historic landmark.
2. The owners may be required to have the property or resource inspected by a Historical Structural Engineer at the City's expense and the finding shall be included in the application.
3. The Historic Preservation Review Board shall review the completed application prior to approving demolition for any resource with a High Rating. The City Historic Preservation Officer can only issue a Historic Preservation Permit for demolition if the resource is rated Low or Medium.

G. NEW CONSTRUCTION

A permit shall be required prior to constructing, assembling, producing, erecting or relocating a building, object, structure or site of a Historic Landmark within the Historic Zoning District. New construction shall not be discouraged so long as the design of a building, structure, object, or site is compatible with the size, scale, color, materials and character of existing properties in a district; and complies with the Design Standards. Contemporary design for new buildings, objects, structures, or sites shall not be discouraged when such meet the above criteria. Permits for mobile homes, mobile structures, or recreational vehicles (attached to any utility whether temporary or permanent) within the Historic Zoning District will not be granted.

H. PERMIT/REVIEW REQUIREMENT

A Historic Preservation permit may be approved administratively providing the project meets approved Design Standards, or may require review by the Preservation board based on the priority rating of the resource or structure according to the following table. A project may be deferred to the Historic Preservation Board by recommendation of the Historic Preservation Officer, or by request of either the Historic Preservation Board or the property owner to the Preservation Officer:

Rating/Classification	Historic Permit required	Required to Maintain	Maintain Architectural Features	Maintain exterior resources	Maintain Façade	Comply with Design Standards	Demolition
Low	AR	R	E	E	E	R	AR
Med	AR	R	R	E	R	R	AR
High	BR	R	R	R	R	R	BR
New Construction	BR	R	NR			R	
Historic Landmark	BR	R	R	R	R	R	BR

- BR – Preservation Board Review and Action
- AR – Administrative Review and Action
- E – Encouraged but not Required
- R – Required
- NR – Not Required

The Preservation Officer shall have the latitude to approve Historic Preservation Permits administratively for High rated resources or property, where the proposed alteration faces an alleyway, or cannot be viewed by the traveling public.

I. BOARD REVIEW PROCESS:

If the permit requires Preservation Board review, the following procedures shall be followed:

1. Upon receipt of an application for permit under this Ordinance, the Historic Preservation Officer/City Secretary shall review the application and, if complete refer it to the Chairman of the Historic Preservation Review Board within two (2) working days from the time of receipt, excluding weekends and holidays.
2. Upon receipt of the application, the Chairman of the Board shall call a meeting of the Board in accordance with the regular monthly meeting by the Board. The application will be approved, denied, or approved with modifications by a majority vote within thirty (30) days of receipt and submitted back to the Historic Preservation Officer/City Secretary for applicant notification. The applicant will be given ten (10) days written notice prior to the time and place of the meeting and the applicant or his agent must be present at the meeting. The Applicant may waive the required ten (10) day notice in order to avoid undue delay in presenting the permit application. Applicant failure to appear, or failure to be represented at the meeting, shall result in no action being taken on the request.
3. The decision of the Board shall be in writing and the City Secretary shall send a certified copy to the applicant. Additional copies shall be filed as part of the public record. If the decision is a denial or an approval with modifications, the

City Secretary shall notify the applicant that the rejection or modification can be appealed to the Board of Adjustment/City Council and of the procedure for filing such an appeal.

SECTION X: REQUIREMENT TO MAINTAIN; DEMOLITION BY NEGLIGENCE; CITY OF LLANO PROPERTY MAINTENANCE CODE

Nothing in the Ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Historic Landmark or property within a Historic District that does not involve a significant change in design, material or outward appearance, including painting. Replacement or repair is included in the definition of ordinary maintenance of like, kind and quality of the original. Painting or change in color is also included as ordinary maintenance.

No owner or person with a material interest in the property or resource designated in the Local Historic District or as a Historic Landmark shall permit the property or resource to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature that would produce a detrimental effect upon the character of the area as a whole or the character of the property itself. Examples of such deterioration shall include:

- A. Deterioration of roofs, awnings, or other horizontal members
- B. Exterior walls or other vertical supports
- C. Exterior chimneys
- D. Crumbling stucco or mortar
- E. Any feature, the deterioration of which would create a hazardous condition, which could lead to the claim that demolition is necessary for public safety
- F. Any accessory building (s), fences, or other appurtenances at the site
- G. Broken and cracked glass windows and doors

The Historic Preservation Officer in conjunction with the Historic Preservation Board will determine if the structure falls into the category of Demolition by Neglect. The owner of the neglected property or resource shall be subject to enforcement and penalties as described within this Ordinance. The City of Llano Building Inspector/Historic Preservation Officer shall be responsible for initiating actions related to violations, fines or legal action related to Demolition by Neglect.

A. Duty to Maintain All significant buildings, objects, sites, and structures located in the Historic Zoning District or designated as a Historic Landmark, shall be preserved against decay, deterioration, and kept free from structural defects by the owner thereof or such person, persons, or entities that may have custody or control thereof. Such owners or other persons shall repair such building, object, site, or structure if it has any of the following defects:

1. Deteriorated or inadequate foundations;
2. Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;

3. Members of walls or other vertical supports that split lean, list, or buckle due to defective material, workmanship, or deterioration;
4. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
5. Members of ceilings, roofs, and their support system, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration;
6. Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;
7. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;
8. Deterioration or defects in paints, coating systems, or flashing resulting in destructive moisture penetration or rot;
9. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.
10. Missing or damaged window glass, or windows that have been covered by plywood, metal or other.

B. City of Llano Property Maintenance Code

All properties within the City of Llano, Historic District and Historic Landmarks must comply with Chapter 22, Article III, Division 5 City of Llano Municipal Code, City of Llano Property Maintenance Code. All requirements, appeals, fines and abatement procedures are defined within the Municipal Code as though printed within the text of this Ordinance.

SECTION XI: APPEALS, BOARD OF ADJUSTMENT

Any party aggrieved by a decision of the Preservation Board or Preservation Officer may appeal the decision, determination, or order to the City of Llano Board of Adjustment per Section 29, City of Llano Zoning Regulations. All procedures, protocols, and authority are defined within the Zoning Regulations as though printed within the text of this Ordinance.

SECTION XII: COST/BENEFIT VARIANCE PROCEDURE

A property owner may apply for relief from the strict application of this Ordinance when it can be determined through process that the costs associated with compliance exceed the benefit to the particular property or the integrity of the Historic District. Owners may seek relief to demolish a structure, make modifications outside of allowable design standards, or alter architectural features of a property or resource. In reviewing a request the Preservation Board must first find that compliance is not economically feasible, and then may grant the request or offer alternatives to the applicant.

- A. An applicant may commence the process by applying to the Board through the Historic Preservation Officer/City Secretary. No request shall be granted unless the Board finds that strict compliance is not economically feasible.

- B. When a variance request is made due to the effect of this section of the Ordinance the owner must show that:
 - 1. The property or resource is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.
 - 2. The property or resource cannot be adapted for any other use, whether by the current owner or by a purchase, which would result in a reasonable return.
- C. When demolition of a resource with a High Rating is contemplated the applicant shall consult in good faith with the Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property or resource. Such efforts must be documented and presented to the Board.
- D. Upon receipt of the request, the Chairman of the Board shall call a meeting of the Board in accordance with the regular monthly meeting by the Board. The request will be approved, denied, or approved with modifications, after the Board's finding, by a majority vote within thirty (30) days of receipt and submitted back to the Historic Preservation Officer/City Secretary for applicant notification.
- E. The applicant will be given ten (10) days written notice prior to the time and place of the meeting and the applicant or his agent must be present at the meeting.
- F. Following the hearing, the Board has fifteen (15) days in which to prepare a written recommendation for approval or denial of the request to the City Secretary. The City Secretary shall send a certified copy to the applicant and additional copies shall be filed as part of the public record. If the decision is a denial or an approval with modifications, the City Secretary shall notify the applicant that the rejection or modification can be appealed to the Board of Adjustment and of the procedure for filing such appeal. The Board of Adjustment shall give notice, follow publication procedure, hold hearings, and make a determination per City of Llano Zoning Regulations Section 29. The applicant or his agent must be present at the appeal and the decision of the Board of Adjustment shall be final.
- G. In the event the Preservation Board does not act within sixty (60) days of the receipt of the application, the request shall be deemed granted, unless the Board has rescheduled the request for further review at a date agreed to by the applicant.

SECTION XIII: AMENDMENTS

The City Council, upon recommendation of the Historic Preservation Review Board and Planning and Zoning Board may from time to time designate additional certain areas as historic districts and landmarks, and define, amend or eliminate the boundaries, or amend or modify requirements or portions of the text of this Ordinance according to the following procedure:

- A. The Historic Preservation Board must hold a public hearing before making a recommendation to the Planning and Zoning Board and City Council concerning any proposed amendment. Property owners within a proposed historic district or within 300 feet of a Historic Landmark shall be notified prior to the Board hearing on the recommended amendment. At the Preservation Board'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, cultural, or archaeological importance of the proposed district.

- B. The Preservation Board may recommend the designation of a Historic District if it meets criteria as described in Section VIII of this Ordinance. The Preservation Board must also find that any amendment is in conformance with the City's Comprehensive Plan.
- C. After the Planning and Zoning Commission conducts a public hearing on the proposed amendment, City Council shall schedule a hearing on the Preservation Board's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Planning and Zoning Board. The City Council shall give notice, follow the publication procedure, hold a public hearing and make a determination on the amendment.

SECTION XIV: ENFORCEMENT / PENALTY

All work performed pursuant to a permit under this Ordinance shall conform to any requirements included herein. It shall be the duty of the Historic Preservation Officer to periodically inspect any such work to ensure compliance. Inspection pertains to any work directly related to the enforcement of this Ordinance, and excludes inspection for any additional building or safety codes. In the event work is found that is not being performed in accordance with the permit, the permittee shall be notified of the alleged non-compliance issue by the Historic Preservation Officer and shall cure any violations within 10 days from the date of notice. Failure to bring the work into compliance may result in the Historic Preservation Board taking action during a meeting to stop all work and advising the Historic Preservation Officer to issue a stop work order. All work determined not to be in compliance with the permit shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. As soon as the owners are in compliance with their application, construction can be resumed or the applicant/owner may file a written request with the Historic Preservation Board for a hearing with the Historic Preservation Board to be held within three (3) working days of the receipt of the request for the hearing.

A person, firm, corporation or other entity commits an offense if he/she/it violates this Ordinance. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this ordinance:

- A. Fines: Any person or entity failing to comply with any provision of this Ordinance shall be deemed guilty of a misdemeanor charge and upon conviction thereof shall be subject to a fine of up to \$500.00 for each day the violation continues. If a violation occurs or is about to occur, the municipality is authorized to bring legal action to enforce this Ordinance in accordance with Sec. 211.012 of the Texas Local Government Code.
- B. Cumulative remedies. The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Section 315.006 of the Texas Local Government Code and Section 442.016 of the Texas Government Code as the same may be amended from time to time, injunctive remedies and the like.

- C. Civil Action. As an additional remedy in addition to the penalties stated above, the City Attorney for the City of Llano or his or her designee shall have the power to take all necessary civil action to enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

SECTION XV: INCENTIVE GUIDELINES

- A. There will be no cost to obtain a Historic Preservation Permit.
- B. Building permit fees for restoration will be waived, but required, for any structure in a Historic District with a "1- High Rating" that requires a city permit so long as the owners work within the existing building codes and the plan meets the Design Standards. The Historic Preservation Permit will be in effect for one year from the date issued.
- C. Building permit fees for restoration will be waived for any structure in a Historic District with a "2- Medium Rating" that requires a city permit so long as the owners restore the façade of the original structure, and comply with the Design Standards. The Historic Preservation Permit will be in effect for one year from the date issued.
- D. Building permit fees for restoration will be waived for any structure within a Historic District with a Low Rating that requires a city permit so long as the proprietors work within existing City codes and design standards of the Historic Preservation Ordinance. The initial permit will be in effect for one year from the date issued.
- E. For commercial structures within the Main Street District, local lending institutions in Llano may offer a low interest loan program. Applicants may contact the Llano Main Street Program regarding current offerings.
- F. Llano Main Street Façade and Structural Improvement Grant: Llano Main Street accepts applications for façade and structural improvements, subject to available funds on a 50 / 50 match basis.

SECTION XVI: SEVERABILITY AND CONFLICT

If any portion of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other provisions of this Ordinance, and to this end the provisions of this Ordinance are declared to be severable. This Ordinance shall be cumulative of all provisions of all ordinances and Code of the City of Llano, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinance and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION XVII: ENACTMENT

PASSED AND APPROVED this day of,

Mike Reagor, Mayor
City of Llano, Texas

ATTEST:

Kerry Williams, City Secretary

Publication Date:_____



City of Llano, Texas
Historic Zoning District
Design Standards

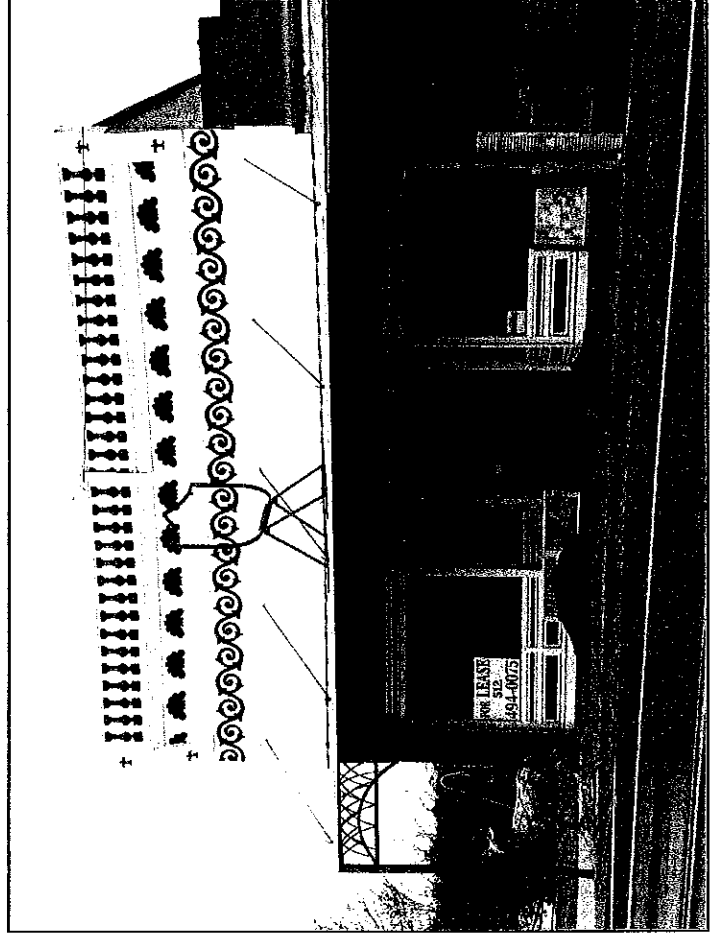
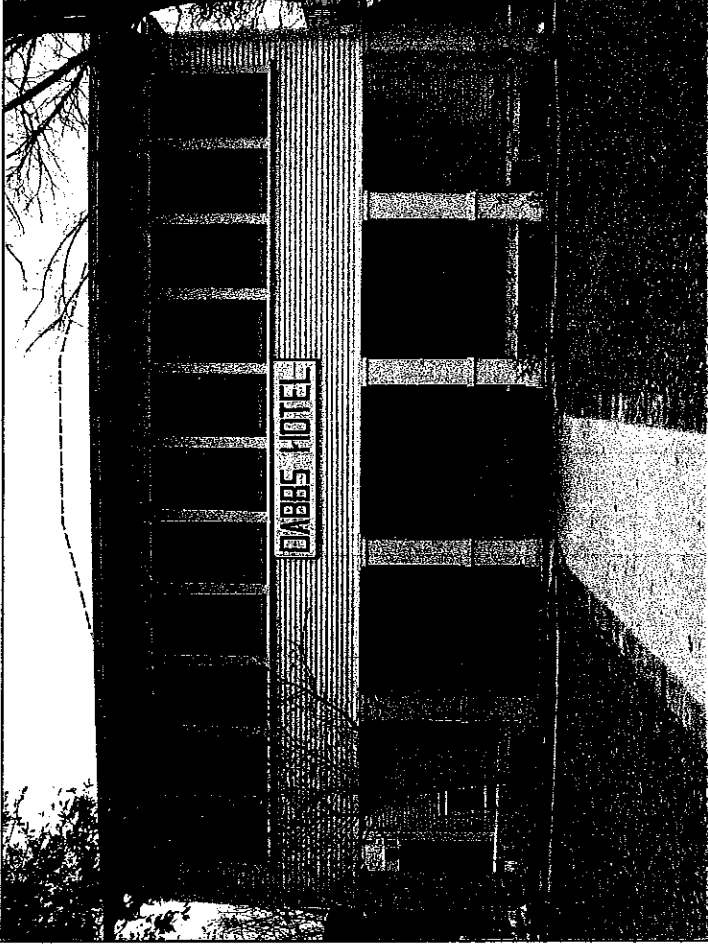
Introduction

During the last ten years the City of Llano and Llano County have made substantial investments to the community through the renovation of the Courthouse; improvements in pedestrian corridors; development of the Depot and North Business District; improvements to the Red Top Jail; development of Grenwelge and Badu Parks; and through the Llano Main Street Program. These investments have:

- Promoted additional private investment;
- Increased traffic;
- Increased commerce; and
- Increased potential for future development

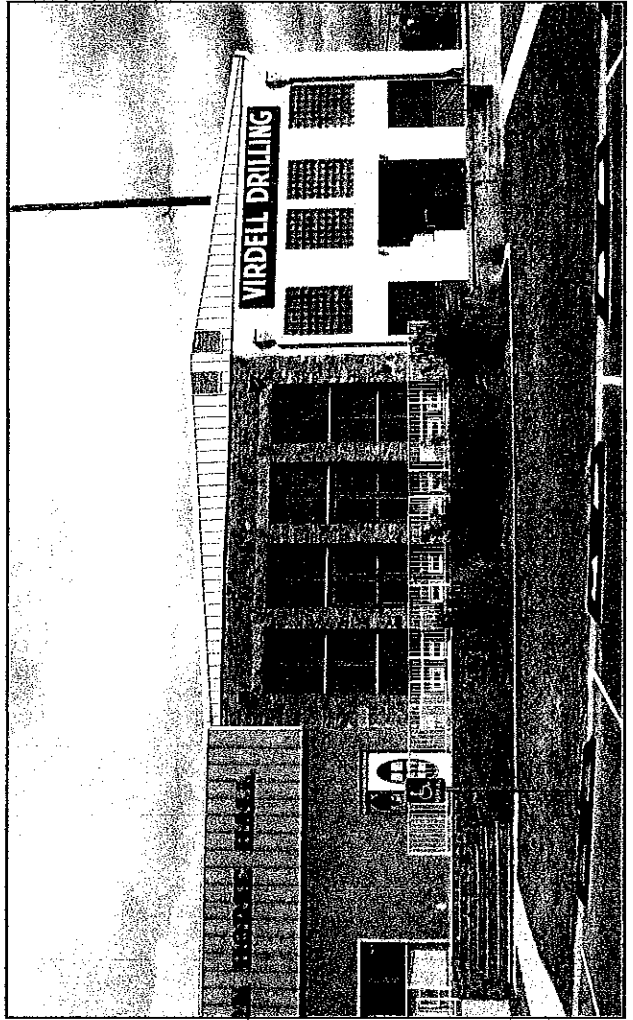
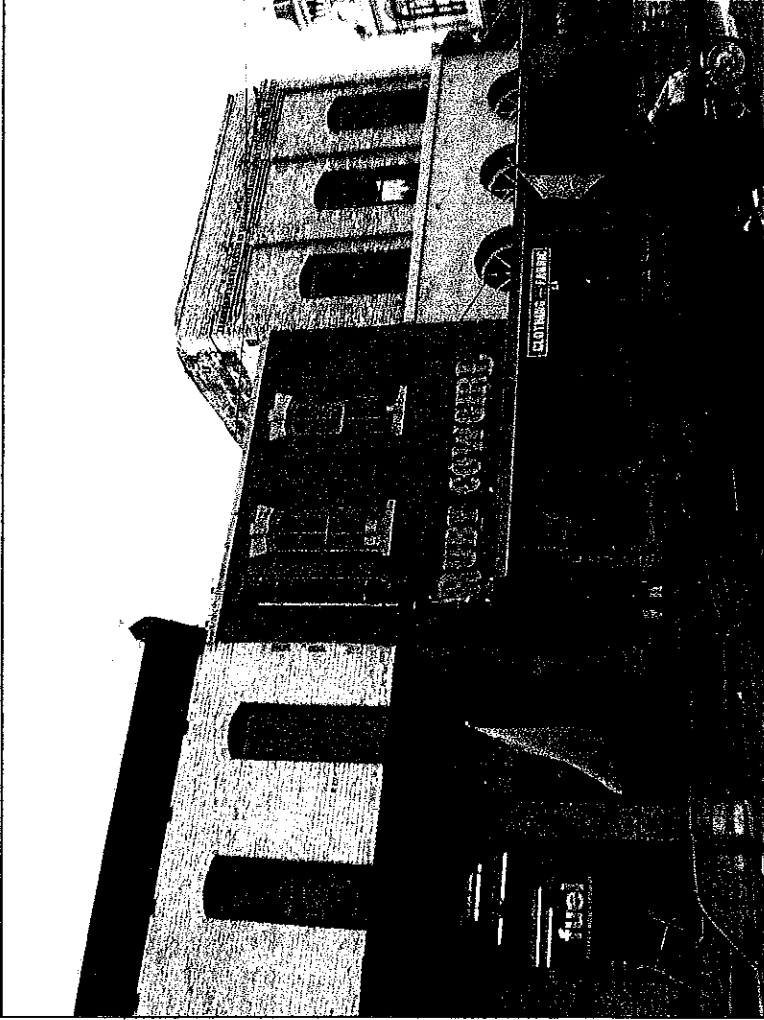
The intent of these Design Standards is to protect current properties within the District from development that would be in conflict with the aesthetics, values, access and use of those properties.

The City of Llano Historic Zoning District Design Standards are developed to provide a resource for property owners within the District that will allow administrative approval for construction, reconstruction or alteration by providing guidelines for exterior improvements. The Historic Preservation Officer shall have the option of deferring plans and specifications to the Historic Preservation Board for plan review and approval. Designs that do not follow the standards as outlined, may be reviewed, and approved by the Historic Preservation Board.



Design Principles

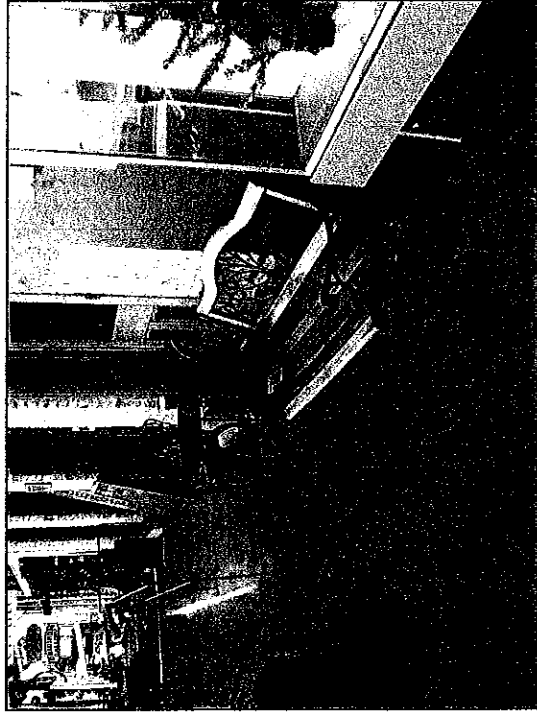
- Support existing Historic District Businesses. Design Standards should be incorporated that support the success of existing businesses; and protect the values and investments of current buildings.
- Encourage adaptive reuse and support the preservation of highly rated buildings and resources. Current historical resources should be protected from demolition when economically practical and exterior improvements should complement existing architectural styles. Creative reuse including secondary residential use should be allowed.
- Encourage high quality diverse design. Period design should not be the goal of these Design Standards, rather creative design that promotes unique personality and sustainability should be encouraged.
- Encourage the use of a broad range of exterior finishes and materials. Property owners should be allowed to construct or renovate using various exterior materials, however; certain materials should be discouraged to protect the integrity of the District.



Sidewalks & Landscaping

Attractive walkways, anointed with appropriate hardscaping such as trash receptacles, benches and planters, make the District more appealing for the public to shop, socialize and relax. Walkways should be designed and integrated into the District as a linear park.

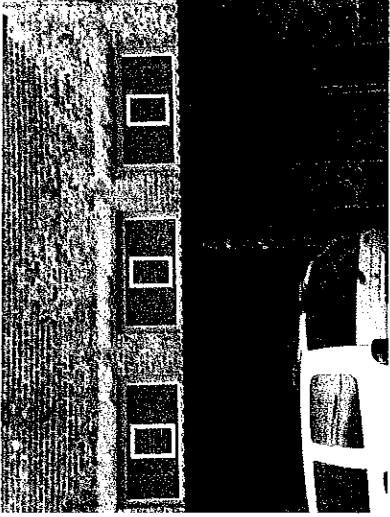
- Owners are encouraged to provide or allow benches, planters and approved trash receptacles if an adequate walkway can be maintained.
- Planters and other hardscaping should be constructed of durable materials designed for long life and outdoor conditions.
- Municipal trash receptacles, for business waste, should be kept behind businesses/buildings, in the alleyway, or otherwise out of sight of the street frontage.
- Sidewalks are required for new construction only if connections are available to a constructed pedestrian corridor. Sidewalks are encouraged for all new construction regardless of connection. New sidewalks shall be constructed to meet ADA requirements.
- Drought tolerant plantings are encouraged.
- Tree planting, shrubs and lawn turf are encouraged and should be incorporated for buildings set back from the right of way, in a size and location to the scale of the building.



Building Edge / Architectural Relief / Façade

The unique architectural styles of the Historic District are attractive to the public and are inviting to shoppers, visitors and residents. Consistent application of these standards will promote additional commerce, support property values and create a positive image of Llano.

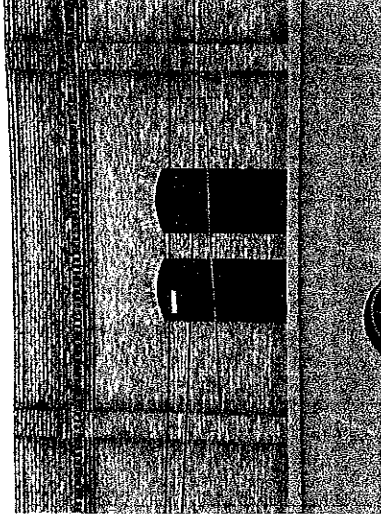
- Street facing façades having a significant transparency with windows are preferred.
- The ground floor of buildings shall include architectural relief every 30 feet. Relief may include, but is not limited to, doors, change in depth, columns or posts, windows and changes in materials.
- New two story buildings should differentiate between the first and second floors.
- Primary entrances should be clearly articulated using elements such as awnings, canopies, recessed entries or other similar treatments.
- Operable windows are encouraged.
- Roof shape and materials shall be consistent with existing buildings and overall building design.
- Parapets shall be high enough to screen all roof mounted equipment.
- Property owners are encouraged, but not required, to use paint colors from a designated historical color palette. Paint schemes shall be solid color, with relief allowed per architectural plane to add character and personality. Murals, signs etc., outside these standards may be reviewed and approved on a case by case basis.



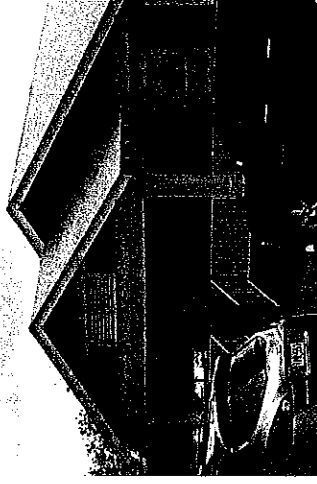
Solid paint color per architectural plane. Articulated entrance and windows.



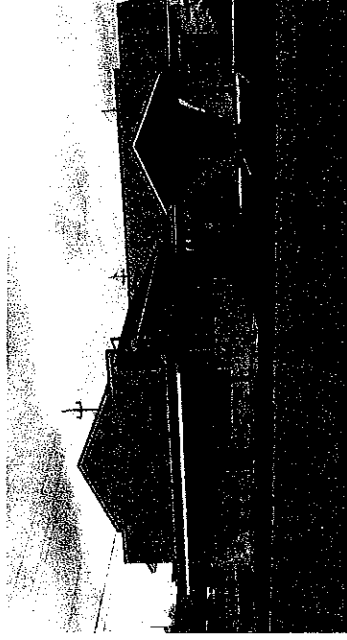
Recessed entry, architectural relief with columns, distinction between first and second floors.



Relief on façade frames windows and gives character to the resource.



Solid, alternating colors on separate planes.



Addition to 1914 era office building using architectural relief, changes in materials, and articulated entrances

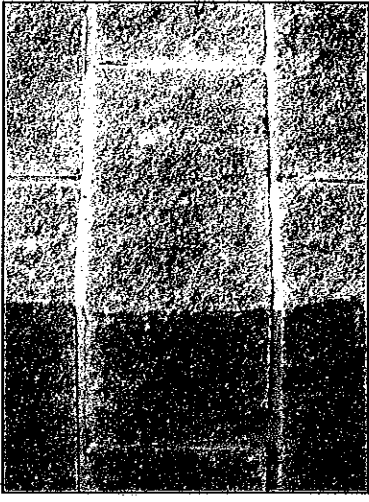
Building Materials Standard

The purpose of the building materials standard is to provide numerous options to construct or renovate buildings in the Historic Zoning District. Allowed materials are identified to provide long lasting, timeless appearance to commercial or mixed use buildings; and compliment existing buildings within the District.

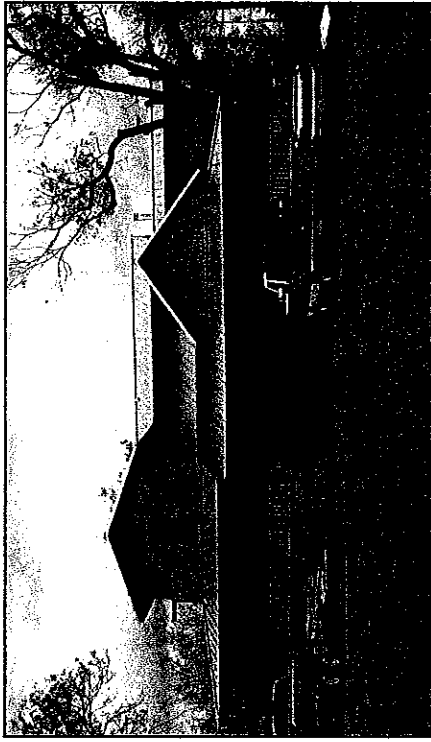
- Allowed exterior materials shall cover all sides of new construction or additions.
- Allowed materials include: masonry (stone or brick erected with mortar between joints), wooden or composite lap siding, stucco, and board and batten siding. Standard CMU (concrete block) is not allowed as a finished exterior.
- Decorative, textured CMU is an allowable exterior finish.
- Use of mixed materials is encouraged to provide architectural relief and depth providing personality to buildings.



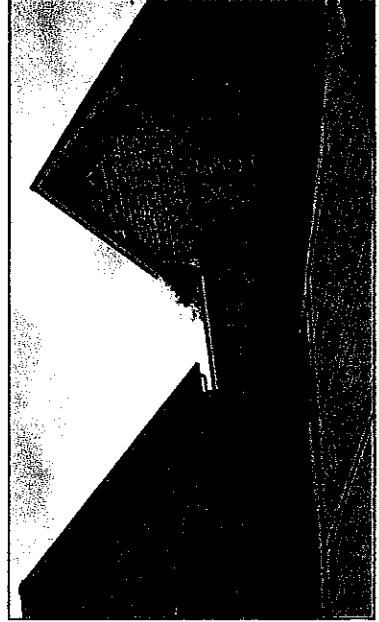
The Badu House with two additions of mixed materials: stucco and lap siding



Decorative, textured CMU



Board and batten exterior on addition to a 1923 era single family residence.

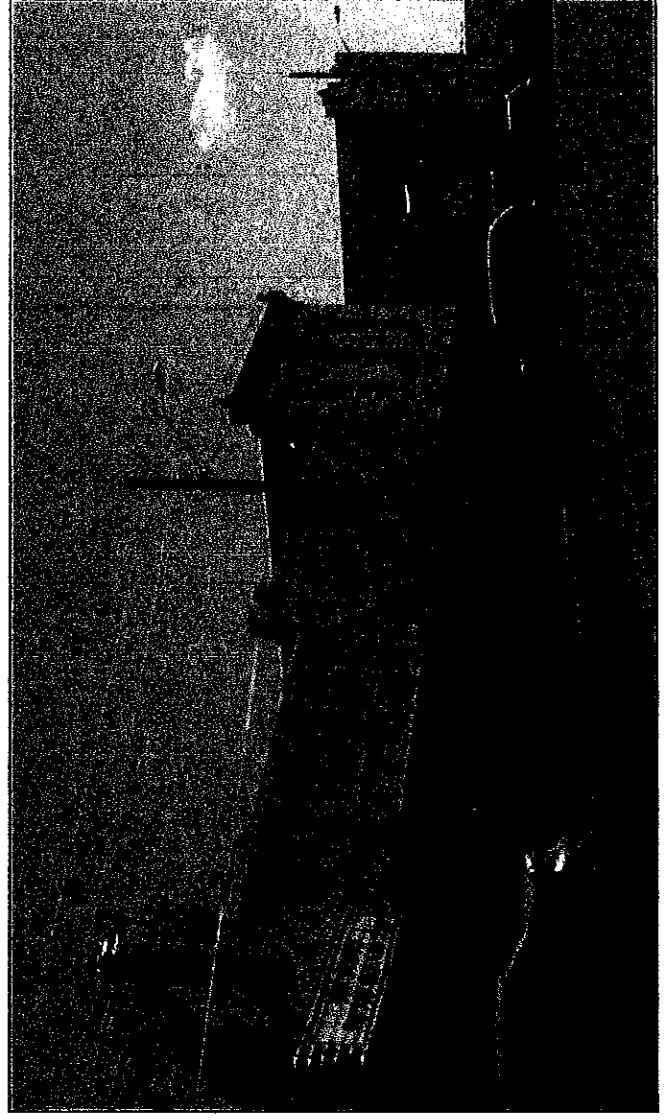


Lap siding above masonry for addition to the Episcopal Church on Oatman

Additions & Exterior Alterations

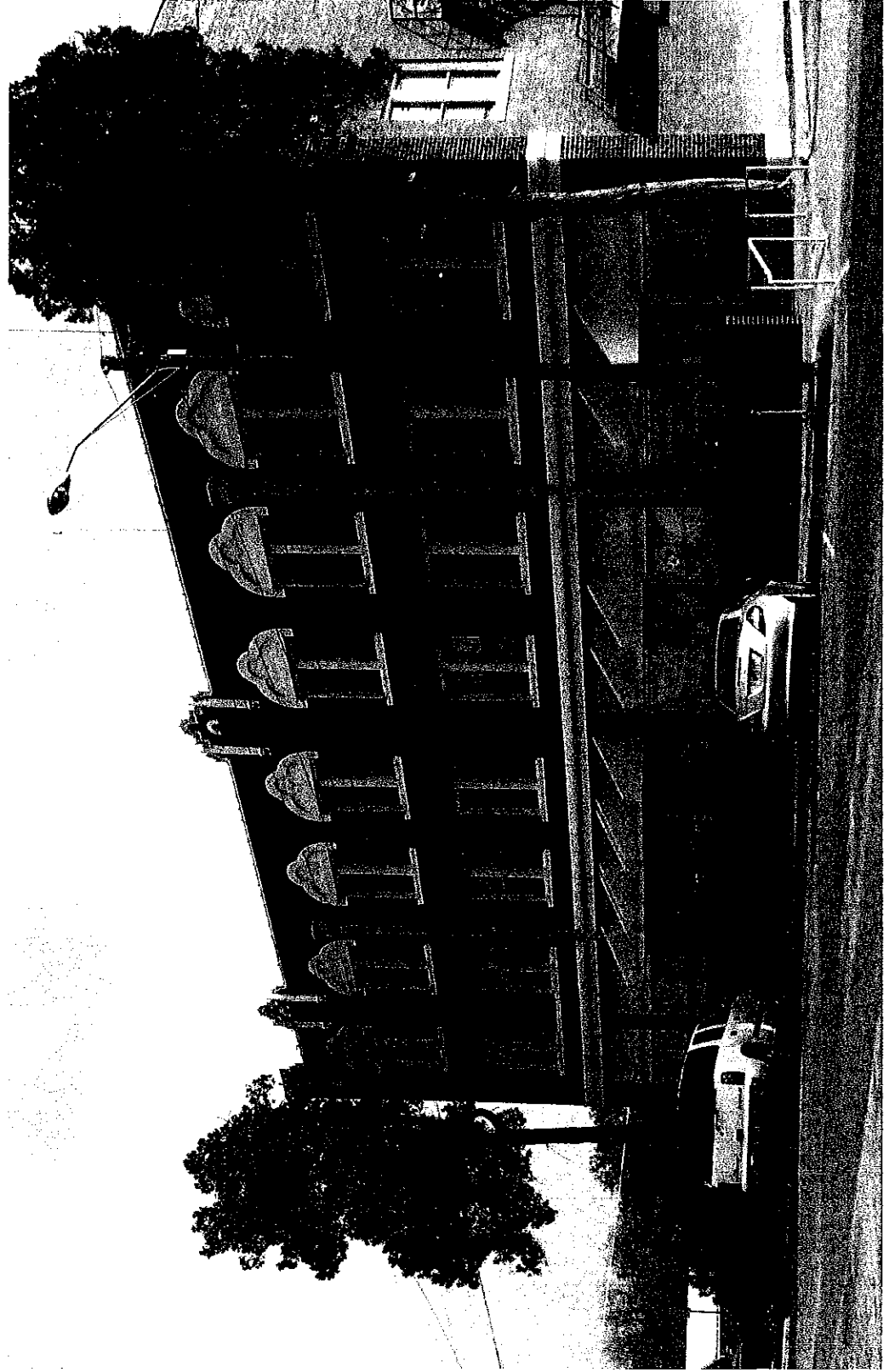
Additions to existing buildings within the Historic Zoning District are required to comply with these Design Standards; and may trigger additional reconstruction of the existing building based on the scope of renovation or addition. Additions and Exterior Alteration Standards are intended to allow for the “grandfathering” of existing buildings as outlined in the Historic Preservation Zoning Ordinance.

- Additions or alterations to existing buildings are allowed, however must comply with these Design Standards.
- Alterations to façades are not required to reflect period design, or a design older than the building, but should contain building edges and architectural features as outlined in these Design Standards.
- When an addition is considered greater than 50% of the current building footprint, the existing building must be in compliance with these Design Standards or be renovated to comply.
- Interior improvements or renovations are not subject to these Design Standards or the Historic District Zoning Ordinance.

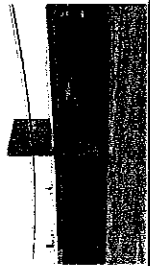
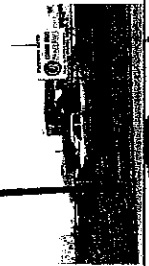






City of Llano, Texas
Historic Preservation Ordinance
Preservation Priority Ratings

22 February 2011 Draft



For the purposes of determining whether administrative or board review is required for new construction, renovation, rehabilitation or demolition, the Preservation Priority Rating System is established to rate and classify all properties located within the Historic District and any properties designated as Historic Landmarks. At such time as a property or resource is either incorporated into a Historic District or designated as a Historic Landmark, such property or resource shall be rated High (1), Medium (2), or Low (3). The Preservation Board shall rate the same at its meeting considering the request or application and the Board's rating shall become effective at such time as the City Council either incorporates the property into the District, or designates it as a Historic Landmark. Appeals of the rating may occur as set forth in Section X of the Historic Preservation District Zoning Ordinance.

Description	Property	High (1)			Medium (2)			Low (3)			Rating
		Significant Commercial Property	Ex of good arch., design, noteworthy of 19 th or 20 th century arch.	Erected with local materials and const. techniques	Valuable resource, enhances district character	Proximity or contribution to character of District	Moderately altered, but generally retain historic integrity	Residential	Minimally enhances Historic District	Recent building forms, properties in disrepair	
1-28180 500 blk Bessemer Circa 1960, site of Algona Htl.					yes	yes					2
2-65354 Undeveloped 400 blk Bessemer											3
3-31668 Badu House 500 blk Bessemer Circa 1898		Yes	Yes	Yes	Yes	Yes					1
4-31855 100 blk w. Tarrant undeveloped											3
5-21661 Warehouse 100 blk W. Tarrant										Yes	3
6-21596 100 blk W. Tarrant Circa 1910			Yes	Yes	Yes	Yes			Yes		1

