

AGENDA
CITY OF TAYLOR, TEXAS
HISTORIC PRESERVATION COMMISSION MEETING
CITY HALL - LARGE CONFERENCE ROOM
OCTOBER 2, 2024, 6:00 PM

I. CALL TO ORDER AND DECLARE A QUORUM

II. CITIZEN COMMUNICATION

III. CONSENT AGENDA

1. Review and approve the August 7, 2024 Meeting Minutes.

IV. REGULAR AGENDA - NEW BUSINESS

V. REGULAR AGENDA - CONTINUING BUSINESS

2. HPC Training: Chapter 6 (Historic Preservation) of the Taylor Made Land Development Code
Jan Harris

VI. ADJOURN

I certify that the notice of this meeting was posted in the Taylor City Hall Lobby continuously for 72 continuous hours before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted by: *Jan Harris*

Date: September 27, 2024

Jan Harris, Main Street Manager

MINUTES
CITY OF TAYLOR, TEXAS
HISTORIC PRESERVATION COMMISSION MEETING
TAYLOR CITY HALL COUNCIL CHAMBERS, 400 PORTER STREET
SEPTEMBER 4, 2024, 6:00 PM

MEMBERS PRESENT:

Kay Peebles

Erwin Stauffer

Frances Sorrow

Shiloh Brown

Lea Bowman

GUESTS PRESENT:

Gary Brock

STAFF PRESENT:

Jan Harris, Historic Preservation Officer

I. CALL TO ORDER AND DECLARE A QUORUM – The meeting was called to order at 6 pm by Chairperson Stauffer who noted that a quorum was present.

II. CITIZEN COMMUNICATION – Mr. Gary Brock addressed the commission regarding his concern over the ability of either the City Council or the ZBA, Planning, or HPC (as designated by the Council) to override by $\frac{3}{4}$ vote the objection of the owner of a property owner included in a proposed Local Historic District. His suggestion was to allow the property owner to decide whether or not the property would be included.

III. CONSENT AGENDA

- 1. Receive and approve the August 7, 2024 meeting minutes as presented – MOTION:**
To approve the August meeting minutes as presented. K PEEBLES / S BROWN / UNANIMOUSLY APPROVED

IV. REGULAR AGENDA - NEW BUSINESS – No new business to bring before the Commission.

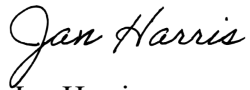
V. REGULAR AGENDA - CONTINUING BUSINESS

- 2. Review the Commissioners' progress with the Preservation Boot Camp training** – Ms. Harris noted that both Ms. Peebles and Ms. Sorrow had successfully completed the Preservation Boot Camp exercise. She encouraged the remainder of the Commission to complete the course as it will be a valuable tool in their work once they begin to consider COAs etc. **ACTION:** The commission received the report as information.
- 3. Training Presentation: Deep Dive into Ord. No. 2023-55 § 6** – Ms. Harris reviewed in depth both the ordinance creating the HPC which outlines its duties and responsibilities and VCTA Local Government Code, § 211.0165 which directly addresses the question brought up by Mr. Brock during citizen communication. This section states that a municipality cannot designate a property as a local landmark or include it in a local historic district without the consent of the property owner. There is a provision for either the City Council or its appointed body (ZBA, Planning, or HPC) to override with a $\frac{3}{4}$ vote. But, under the specific steps the HPC must take to inform owners of potential local landmarks or properties included in a local historic district it clearly states that the municipality must allow an owner to withdraw their property at any time during the designation process.

The topic for the October Training Presentation is Chapter 6 (Historic Preservation) in the Taylor Made Land Development Code. **ACTION:** The commission received the report as information.

VI. ADJOURN – MOTION: To adjourn the meeting at 7.15 pm. K PEEBLES / S BROWN
/ UNANIMOUSLY APPROVED

Respectfully submitted,



Jan Harris
Historic Preservation Officer



Taylor
Texas

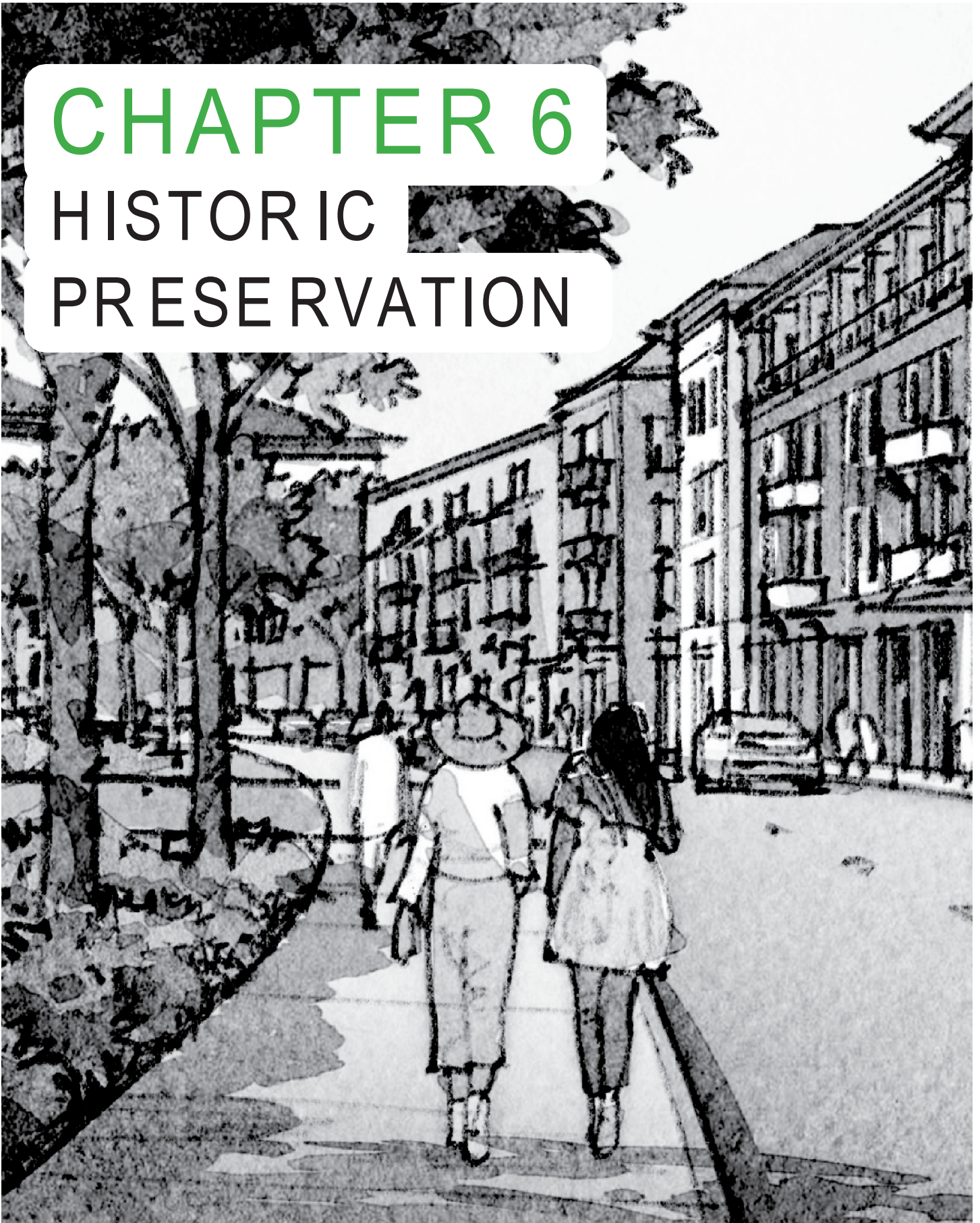
CITY OF TAYLOR TX

TAYLOR MADE

LAND DEVELOPMENT CODE

CHAPTER 6

HISTORIC PRESERVATION



6.1 HISTORIC PRESERVATION.

6.1.1 PURPOSE.

The City Council of Taylor, Texas, hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. This ordinance is intended to:

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

6.1.2 HISTORIC PRESERVATION OFFICER.

The City Manager or their designee shall appoint a qualified City official or staff person to serve as Historic Preservation Officer (HPO). The City may utilize in-house staff or contract using those individuals whose expertise are required to deliberate on specific, related matters. In addition, the planning department will be responsible for coordinating the City's preservation activities with those of state and federal agencies and with local state, and national preservation organizations.

Responsibilities. The HPO shall be empowered to:

- (1) Administer this LDC and advise the HPC on matters submitted to it.
- (2) Maintain and hold open for public inspection all documents and records pertaining to the provisions of this LDC.
- (3) Receive and review all applications pursuant to this LDC to ensure their completeness.
- (4) Review and take action on all certificates of appropriateness applications subject to administrative review pursuant to this LDC.
- (5) Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the HPC pursuant to this LDC.
- (6) Ensure proper posting and noticing of all Commission meetings, schedule applications for Commission review, provide information packets to its members prior to the meetings, record meeting minutes, and facilitate all Commission meetings.

- (7) Review and help coordinate the City's preservation and urban design activities with those of local, state, and federal agencies and with local, state, and national preservation organizations in the private sector.

6.1.3 CRITERIA FOR DESIGNATION OF HISTORIC PROPERTIES OR DISTRICTS.

The HPC shall use criteria for evaluation of significance of an historic landmark or historic district as established by the National Park Service for use in the administration of the National Register of Historic Places. The HPC shall refer to the National Register Bulletin No. 15, How to Apply the National Register Criteria for Evaluation, published by the National Park Service, for further guidance in the application of these criteria.

- 6.1.3.1 The following criteria shall be considered in determining whether historic overlay zoning should be applied to an individual property or historic district:

- (1) Association with events that have made a significant contribution to the broad patterns of our history.
- (2) Association with the lives of persons significant in our past.
- (3) Embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- (4) Archaeological value, in the sense that the property has yielded, or may be likely to yield, information important in prehistory or history.

- 6.1.3.2 Where the designation is made based on the general character of the proposed historic district, these findings may include, but shall not necessarily be limited to:

- (1) Scale of buildings and structures typical of the area.
- (2) Architectural style typical of the area.
- (3) Architectural period typical of the area.
- (4) Building materials typical of the area.
- (5) Colors used in buildings typical of the area.
- (6) Signage and street furniture typical of the area.
- (7) Landscapes typical of the area.
- (8) Typical relationships of buildings to the landscapes in the area.
- (9) Typical relationships of buildings in the area to the street.
- (10) Setbacks and other physical patterns of buildings in the area.
- (11) Typical patterns of rooflines of buildings in the area.
- (12) Typical patterns of porch and entrance treatments of buildings in the area.

Where the designation is made based on the character of a limited number of specific buildings in the

proposed historic district, the findings may include, but shall not necessarily be limited to:

- (1) Architectural style of the buildings.
- (2) Architectural period of the buildings.
- (3) Textures of materials used in the buildings.
- (4) Colors of the materials used in the buildings.
- (5) Rooflines of the buildings.
- (6) Porch and entrance treatments of the buildings.
- (7) Height and mass of the buildings.
- (8) Relative proportions of the buildings (width to height, width to depth).

6.1.3.3

BUT, the requirements of VCTA Local Government Code, § 211.0165 still applies

Already listed properties. Properties that, as of the date of the adoption of this LDC, are listed as a Recorded Texas Historic Landmark (RTHL) or State Archaeological Landmark (SAL), or that are listed individually or within an historic district on the National Register of Historic Places (NR) shall be considered eligible for designation as historic landmarks pursuant to this LDC. The HPO shall compile a list of such properties and shall initiate an application for historic overlay zoning for each property so identified, pursuant to this LDC. The HPC may establish a process by which it identifies additional properties that are so recognized on the National Register or by the State, either on an annual basis or as such properties are listed and that information becomes known to the HPC and may direct the HPO to initiate applications for historic overlay zoning for those properties, pursuant to this LDC.

6.1.4

DESIGNATION PROCESS FOR LOCAL HISTORIC LANDMARKS AND DISTRICTS

6.1.4.1

These provisions pertaining to the designation of historic properties constitute a part of the comprehensive zoning plan of the City. Owners of proposed historic properties shall be notified prior to the HPC hearing on the recommended designation. At the HPC'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 property. The City may designate a historic landmark in accordance with **Tex. Loc. Gov't Code Sec. 211.0165**.

6.1.4.2

The procedure for designating a historic landmark or to establish or amend a historic district may be initiated by the City, or by the individual property owner(s), or by at least twenty percent (20%) of the residents of the potential district. An application for designation shall be made on forms as prescribed by the City and shall be filed with the HPO along with any fees in accordance with the municipal fee schedule. Buildings, structures, sites or areas located within the City which substantially comply with the criteria found in this LDC may be recommended by the HPC to the City Council as historic landmarks or historic districts.

The application shall contain:

Staff will develop & the HPC & Council approve the required application

- (1) For a proposed historic landmark, the name, address, telephone number of applicant, and physical address of the property.
- (2) For a proposed historic district, the name, address, telephone number of applicant, and a poll showing no more than ten percent negative responses from owners of properties in the proposed district. In this poll, each property is counted separately, and a non-response is considered to be an affirmative response.
- (3) Site plan of the proposed landmark property, or map indicating the geographic boundaries of the proposed district, showing all affected buildings and/or structures.
- (4) Detailed historic description and background on the proposed landmark or proposed district.
- (5) Current photographs of the overall property or area, along with any historical photographs, if available.
- (6) Any other information which the HPO or Commission may deem necessary.

6.1.4.3 Upon receipt of a completed designation application, (1) the HPO shall schedule a hearing at the next available regularly scheduled Commission meeting. (2) Notice of the application shall be mailed to the property owner(s) and advertised in the official newspaper and/or posted on the property as provided for a Place Type zoning change.

6.1.4.4 A proposed historic landmark or district for which an application for designation has been received shall be protected by and subject to all the provisions of this LDC governing demolition, minimum maintenance standards, and penalties until a final decision by the City Council becomes effective, but not to exceed 180 days.

6.1.4.5 (3) At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance or insignificance of the subject property or district. Other interested parties and technical experts may also present testimony or documentary evidence, which will become part of a record. The burden of proof shall be upon the applicant. (4) The HPC may take action to approve, postpone requesting additional information, or deny the application. (5) The HPO shall forward any final recommendation to the Planning and Zoning Commission within 30 days of the hearing. Denials may be appealed directly to City Council.

6.1.4.6 (6) The P&Z shall give notice and conduct its hearing upon receipt of the recommendation from the HPC. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City. The Planning and Zoning Commission shall review the application to ensure that the recommended designation will not pose a conflict with the underlying Place Type zoning and shall forward its recommendation to the City Council within 30 days after taking action on the application.

6.1.4.7 (7) Upon receipt of the joint recommendation on the application from the Historic Preservation Commission and the Planning and Zoning Commission, the City Council shall schedule a hearing on the application within 30 days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City. Significance shall be considered only on the record made before the Historic Preservation Commission and the Planning and Zoning Commission.

6.1.4.8 (8) Upon designation of a historic landmark or historic district by the City Council, the designation shall be recorded by legal description on the City's official Place Type zoning maps, in the records of real property of Williamson County, and with the tax appraisal office.

6.1.4.9 The applicant or any persons adversely affected by any determination of the HPC may appeal the decision to City Council. Appeal requests shall be on forms as prescribed by the City and shall be filed with the HPO within seven days of the HPC's decision and scheduled for the next available regularly scheduled City Council meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in this LDC.

6.1.4.10 Appeals to the City Council shall be considered only on the record made before the HPC and may only allege that the Historic Preservation Commission's decision was arbitrary, capricious, or illegal.

6.1.5 ORDINARY MAINTENANCE.

Nothing in this LDC shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of an historic landmark or a property within an historic district which does not involve a change in design, material, or outward appearance that require the issuance of a building permit.

In-kind repair/replacement and repainting is included in this definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted. The HPO shall determine what is "ordinary maintenance."

6.1.6 MINIMUM MAINTENANCE STANDARDS.

No owner or person with an interest in real property designated as an historic landmark or a property located within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPC, create a detrimental effect upon the historic character of the landmark or district.

6.1.6.1 Examples of serious disrepair or significant deterioration include:

- (1) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
- (2) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
- (3) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.
- (4) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- (5) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- (6) Rotting, holes, and other forms of material decay.
- (7) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes de-lamination, instability, loss of shape and form, or crumbling.
- (8) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.
- (9) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

6.1.7 PROCEDURE TO MITIGATE DEMOLITION BY NEGLECT.

Demolition by Neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the Development Services Department staff shall work together to reduce Demolition by Neglect involving landmarks or properties located within districts within the City. A Demolition by Neglect citation as determined by the HPC may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined.

- 6.1.7.1 Due to the time-consuming nature of pursuing enforcement under this Section, no more than one property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October-December).
- 6.1.7.2 While the HPO will act as the point of contact, the Development Services Department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and Development Services Department staff, the City Manager may be consulted as a mitigating party.
- 6.1.7.3 Furthermore, while the HPO will act as the point of contact, the Planning Department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and Planning Department staff, the City Manager shall make the final determination.
- 6.1.7.4 The procedure for citing a property owner for Demolition by Neglect shall be as follows:
- (1) Initial identification is made by (1) visual inspection of the area by the HPO or a Commission member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
 - (2) Once the initial identification is made, followed by preliminary determination by the HPO, the (2) property owner shall be notified by U.S. mail of the defects of the building and informed of any incentive programs that may be available for repair. The owner shall be given (3) thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to the HPO. (4) The stabilization proposal will be presented to the HPC at the next available meeting. If the HPC approves the proposal, a certificate of appropriateness (if necessary) may be issued administratively by the HPO. The approval will detail the specific work that is necessary to correct the Demolition by Neglect conditions, as well as specify a time period to begin and to complete the work. The HPO shall update the HPC on the status of the property every 30 days, once work begins on the property.
 - (3) (5) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
 - (4) (6) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPC for a citation hearing. (7) The HPO shall send a third notice via certified mail informing the owner of the hearing, the (8) property shall be posted with a notice of the violation in accordance with the provisions of this LDC, and a (9) public hearing on the citation shall be scheduled.
 - (5) At the public hearing, the owner will be invited to address the HPC's concerns and to show cause why a citation should not be issued. (10) The HPC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions.

- (6) (11) If the owner is cited for the condition of Demolition by Neglect of the property, they shall be given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPC, up to one year to correct the defects. The HPO shall update the HPC on the status of the property every 30 days once work begins on the property.
- (7) (12) If the owner does not respond with a stabilization proposal, the matter shall be turned over to the City Attorney's office for recommendation to the City Council for legal action.

6.1.7.5 The City may create programs, or enter into partnerships with local non-profit organizations, to assist low-income and/or elderly homeowners with maintenance.

6.1.8 CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS.

No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any Landmark or any property within a District, nor shall any person make any material change in the 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 Landmark or any property within a District without a Certificate of Appropriateness application. The application must be reviewed and approved by the HPO or the HPC prior to the issuance of any building permit involving any Landmark or property located within a District. The application shall be required in addition to, and not in lieu of, any required building permit.

6.1.9 REVIEW CRITERIA FOR CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS.

In considering an application for a Certificate of Appropriateness, the HPO and the HPC shall review it for compliance with the Secretary of the Interior's Standards for Rehabilitation and any applicable adopted Design Guidelines previously ratified by the City Council.

All review criteria shall be made available to the applicant, property owners of Landmarks and properties located within Districts. The HPC shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the City Council.

6.1.9.1 **Applicability.** A certificate of appropriateness shall be required in the following circumstances before the commencement of development within or work upon any property with historic overlay zoning:

- (1) Whenever such work or development requires a building permit or certificate of zoning compliance issued by the City;
- (2) Whenever such work includes the erection, moving, demolition, reconstruction, restoration, or alteration of the exterior of a property with historic overlay zoning, except when such work satisfies all the requirements of ordinary maintenance and repair as defined in Chapter 7, Definitions, of this LDC

6.1.9.2 **Certificate of appropriateness required.** No building permit shall be issued by the building official for any property with historic overlay zoning until the application for such permit has been reviewed and a

What triggers a COA:

certificate of appropriateness has been approved by the HPO or the HPC.

- 6.1.9.3 **Procedures.** The procedure for obtaining a Certificate of Appropriateness may be initiated by the City for all Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or for a property located within a District. The application must be submitted for review and approved by the HPO or the HPC prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

6.1.10 ADMINISTRATIVE DESIGN REVIEW AFFECTING LANDMARKS AND PROPERTIES LOCATED IN DISTRICTS. **AKA: Staff-reviewed submissions**

- 6.1.10.1 Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the (1) HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. (2) The HPO reserves the right to forward any Certificate of Appropriateness application to the HPC for review and approval (A) when direction on design policy is needed or (B) if unable to determine compliance with the Secretary of the Interior's Standards for Rehabilitation or the Design Guidelines. (C) Proposed work to all Landmarks, all proposed work within a District, and for all City preservation-related incentive programs or federal projects must be reviewed by the HPC.

- 6.1.10.2 An application shall be eligible for administrative review by the HPO for the following:

- (1) The placement and screening, if necessary, of roof-mounted equipment and other mechanical equipment of various types;
- (2) The placement and design of screening treatments for trash and recycling receptacles;
- (3) Fences to be installed in the rear and/or side yard, unless an historic precedence exists for fences in the front yards;
- (4) Replacing roofing materials or color on a flat roof that will not be visible from the ground or from immediately adjacent taller buildings;
- (5) Gutters and downspouts;
- (6) Installation or removal of landscaping, including trees;
- (7) Accessibility ramps;
- (8) Changes to awning material, shape, and size;
- (9) Landscape elements, including but not limited to walks, paving, benches, outdoor furniture, planters, pools, trellises, arbors and gazebos;
- (10) Installation of any elements required by other codes such as emergency lighting;
- (11) Modifications that are considered non-permanent such as, but not limited to, window films and temporary features to weatherize or stabilize a historic resource;
- (12) Minor modifications to an existing certificate of appropriateness that still meets the intent of the original approval;

What the HPO
can review:

(13) Renewal of an expired certificate of appropriateness.

6.1.10.3 If an application for administrative review is approved or approved with conditions, the HPO shall issue a certificate of appropriateness. However, the HPO may forward the application to the HPC for their consideration for the following reasons:

When the HPC gets involved in the process:

- (1) The application does not meet the approval criteria;
- (2) If the HPO does not act on the application within ten business days of receipt of the complete application;
- (3) The HPO disapproves the application; or
- (4) The applicant wishes to appeal the administrative decision or associated conditions of the certificate of appropriateness application.

An appeal to an administrative decision shall be filed with the HPC within ten (10) business days of said decision.

6.1.10.4 In the event an application is to be considered by the HPC, (1) the HPO shall inform the applicant of the meeting date at which the application shall be considered. The applicant shall have the right to be heard and may be accompanied or represented by counsel and/or one or more construction or design professionals at the meeting.

Process for HPC review:

6.1.10.5 (2) The HPO shall review the application and make a recommendation to the HPC during the meeting at which the application shall be considered.

- (1) (3) After hearing the applicant and any other interested parties, and considering the recommendation from the HPO, the HPC shall take one of the following actions:
 - (a) Approve the proposed work or development and issue a certificate of appropriateness.
 - (b) Approve the proposed work or development with conditions and issue a conditional certificate of appropriateness.
 - (c) Disapprove the certificate of appropriateness.
- (2) (4) In the case of the disapproval of a certificate of appropriateness by the HPC, the HPC shall state in writing the reasons for such disapproval and may include suggestions in regard to actions the applicant might take to secure the approval of the HPC concerning future issuance of a certificate of appropriateness.

6.1.10.6 Certificate of Appropriateness.

- (1) (5) It shall be the responsibility of the HPO to issue the actual certificate of appropriateness following administrative approval or approval by the HPC with any designated conditions, and to maintain a copy of the certificate of appropriateness, together with the proposed plans. These shall be public documents for all purposes.
- (2) Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the

requirements of such certificate. (6) It shall be the duty of the building official to inspect from time to time any work performed pursuant to a certificate of appropriateness to assure such compliance. In the event that such work is not in compliance, (7) the building official shall issue a stop work order and/or citation as prescribed by ordinance. The HPC may request that the building official inspect the work and issue a stop work order.

6.1.10.7 **Criteria.** The HPO or the HPC shall determine whether to grant a certificate of appropriateness based on the following criteria:

- (1) The effect of the proposed change upon the general historic, cultural and architectural nature of the historic property or historic district;
- (2) The appropriateness of exterior architectural features, including parking and loading spaces, which can be seen from a public street, alley, or walkway; and
- (3) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the historic district, contrast or other relation of such factors to other buildings or structures built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical and cultural values.

6.1.10.8 **Guidelines.** In all of its determinations of architectural appropriateness and historical integrity in the design and construction of historic properties or signs, the HPO or the HPC shall use the most recent edition of the book entitled, (1) *The Secretary of the Interior's Standards for the Treatment of Historic Properties: With Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings*, or any future publication which replaces this book, and the (2) following criteria as guidelines:

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a historic property and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All historic properties shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes that may have taken place in the course of time are evidence of the history and development of an historic property and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a historic property shall be treated with sensitivity.
- (6) Architectural features that are found to be appropriate are to be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match 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 historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other properties.
- (7) Surface cleaning shall be undertaken with the gentlest means possible. Sandblasting and other

Decisions are based in 3 sources:

cleaning methods that will damage the historic building material shall not be undertaken without approval from the Historic Preservation Commission.

- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- (9) Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and when such design is compatible with the size, scale, color, material, a character of the property, neighborhood, or environment. Wherever possible, new additions or alterations 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 historic property would be unimpaired.

6.1.10.9 (3) Supplemental guidelines. The HPO or the HPC may develop, and the City Council may approve, such supplemental guidelines as it may find necessary to implement the regulations of historic overlay zoning or the findings applicable to the designation of a particular historic property. Such guidelines may include, but are not limited to the following:

- (1) Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;
- (2) Illustrations of appropriate architectural details;
- (3) Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;
- (4) Illustrations of appropriate porch treatments or entrances; or
- (5) Illustrations of appropriate signage or street furniture.

6.1.10.10 Certificate of appropriateness for demolition.

- (1) Certificate required. No historic property shall be demolished or removed unless such demolition shall be approved by the HPC and a certificate of appropriateness for such demolition shall be granted.
- (2) Procedure for the issuance of a certificate of appropriateness for demolition shall be the same as for the issuance of other certificates of appropriateness with the following modification.
- (3) After the hearing, (1) the HPC may approve the certificate of appropriateness, thereby authorizing the demolition, or (2) the HPC may disapprove the certificate of appropriateness and postpone the demolition or removal for a period of 120 days. The purpose of such a postponement would be to allow the HPC and any interested parties to explore alternatives to demolition.
- (4) (3) The HPC may extend the postponement period for an additional 60 days to enable the completion of ongoing negotiations.
- (5) Notwithstanding any provision of this LDC, (4) the City Council reserves the right to prohibit the demolition of a landmark structure with four affirmative votes.
- (6) Supplemental demolition criteria. In determining whether to issue a certificate of appropriateness for demolition, the HPC, and, on appeal, the City Council, shall consider the following criteria, in addition to the criteria specified in this section:
 - (a) The uniqueness of the property as a representative type or style of architecture, historic

Procedure for
COA-
Demolition:

Supplemental
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association, or other element of the original designation criteria applicable to such structure or tract.

- (b) The condition of the property from the standpoint of structural integrity and the extent of work necessary to stabilize the property.
- (7) The economically viable alternatives available to the demolition applicant, including:
- (a) Donation of a part of the value of the subject structure or site to a public or nonprofit agency, including the conveyance of development rights and facade easement.
 - (b) The possibility of sale of the property, or any part thereof, to a prospective purchaser capable of preserving such property.
 - (c) The potential of the property for renovation and its potential for continuing use.
 - (d) The potential of the property for rezoning in an effort to render such property more compatible with the physical potential of the property. The ability of the property to produce a reasonable economic return on investment for its owner; provided, however, that this factor shall not have exclusive control and effect but shall be considered along with all other criteria contained in this section.

6.1.10.11 Certificate of appropriateness for relocation:

- (1) **Certificate Required.** No historic landmark shall be relocated unless such relocation shall be approved by the HPC and a certificate of appropriateness for such relocation shall be granted. For the purposes of this subsection concerning relocation, the term "historic landmark" shall be used to describe an individual building, structure, or object designated according to the procedures in this LDC.
- (2) **Procedure.** The procedure for issuance of a certificate of appropriateness for relocation shall be the same as for the issuance of other certificates of appropriateness with the following additions.
 - (a) **Documentation** shall be provided to the HPC at the time of application for a certificate of appropriateness that provides an:
 - i. **Overview of the proposed relocation** of the historic resource, including:
 - » **Reasons for relocating** the historic resource; and
 - » **Reasons for selection of destination site.**
 - (b) **Photographs**, which document all aspects of the historic resource. **Requirements for photographs shall be provided by the HPC.** At a minimum, photographs provided by the applicant shall include but are not limited to:
 - i. Each elevation of the building;
 - ii. Street view;
 - iii. All prominent architectural features; and
 - iv. Any additional accessory buildings that also have historic overlay zoning, showing how they relate to the primary structure.

Public notice
requirements for
proposed relocations:

- v. Requirements for photographs shall be maintained and provided by the HPC.
- (c) Site plan of historic resource in current location.
- (d) Site plan of historic resource in new location.
- (e) Public notices of the proposed relocation shall be required as follows:
- i. Signed notice shall be posted within five business days of receipt of an application for a certificate of appropriateness for relocation, the City shall post a sign showing notice of the application on the originating location and on the proposed destination location, for the purpose of notifying the public of the proposed relocation.
 - ii. Mailed notice shall be sent ten business days prior to the HPC meeting when the application will be heard, written, notices shall be mailed to each owner, as indicated by the most recently approved City tax roll, of real property within 300 feet of the existing property with the resource proposed for relocation 300 feet of the proposed new location. Notice may be served by its deposit in the Postal Service in the City, properly addressed with postage paid.
 - iii. Mailed notices shall contain at least the following specific information:
 - The general location of land that is the subject of the application and/or a location map;
 - The legal description or street address;
 - The substance of the application;
 - The time, date, and location of the HPC meeting;
 - A phone number to contact the City; and
 - A statement that interested parties may appear at the hearing.
- (3) When a historic resource is relocated to a new site, the historic resource shall retain the historic overlay and therefore continue to be subject to the requirements of a certificate of appropriateness.
- (4) Supplemental relocation criteria. In determining whether to issue a certificate of appropriateness for relocation, the HPC, and, if necessary, on appeal, the City Council, shall consider the following criteria, in addition to the criteria specified in this subsection:
- (a) The historic resource is imminently threatened by demolition or removal of historic overlay zoning.
 - (b) Reasonable alternatives have been examined to mitigate the threat to the historic resource, in lieu of relocation. Alternatives may include, but are not limited to:
 - i. Modification of the proposed project affecting the historic resource to avoid its impact on the location of the historic resource.
 - ii. Incorporation of the historic resource, in its entirety, into the proposed project that would affect the location of the historic resource.

- (5) When relocated, the historic resource shall remain in the City of Taylor.
- (6) The structural condition of the historic resource has been examined so that it has been determined that the historic resource may be moved and that damage to the historic resource which would result from the move can be minimized. Stabilization of the historic resource prior to and/or during the move may be required.
- (7) A new location for the historic resource has been determined that would be compatible with the architectural aspects of the historic resource, to the extent possible. Consideration shall include the review of all of the following:
 - (a) Size of the resource and destination lot;
 - (b) Massing;
 - (c) Architectural style;
 - (d) Review of all adopted design guidelines by the HPC in determining compatibility; and
 - (e) Other historic resources, which are not the primary resource on the site, but are historically associated with the primary resource, also should be relocated, if possible, and may be considered for relocation with the primary resource on the same certificate of appropriateness.
- (8) Any historic resource relocated pursuant to this section shall be required to conform to any siting conditions at the new location. These siting conditions shall include, but are not limited to, setback requirements, structural alteration requirements such as enclosed parking requirements, and architectural requirements such as exterior finishes and orientation.
- (9) The applicant agrees to the following additional conditions of the certificate of appropriateness:
 - (a) The historic resource shall be secured from vandalism and other damage for the time that it remains vacant as a result of the relocation process.
 - (b) The applicant shall be required to display a plaque, provided and paid for by the City, which documents the historic resource's original location, date of relocation, and reason for relocation.
 - (c) The historic overlay shall convey with the historic resource to its new location.
- (10) The historic overlay shall be removed from the originating property, unless one of the following applies:
 - (a) The property is located within an historic district; or
 - (b) Only an accessory structure has been moved and the primary structure on the site remains; or
 - (c) The site itself is historically significant.
- (11) The City may apply the historic overlay to the destination lot(s), by following the procedures for applying historic overlay of this LDC. If the historic resource is being moved into an already designated historic district, the historic overlay shall remain and apply.

- (12) The applicant shall provide photographs to the HPO of the relocated historic resource once relocation is complete.
- (13) Information regarding the relocation shall be filed in the appropriate City and county records.
- (14) If a certificate of appropriateness for relocation has been approved by the HPC, the following fees shall be waived:
 - (a) Building moving and permits fees
 - (b) Notice requirement fees.
- (15) Appeals of certificate of appropriateness decisions made by the HPC shall be made within 15 days to the City Council.

6.1.11 ECONOMIC HARDSHIP INVOLVING CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION AFFECTING LANDMARKS AND HISTORIC DISTRICTS.

6.1.11.1 No certificate of appropriateness for demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the City unless the owner proves compliance with the following standards for economic hardship:

- (1) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible; and
- (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) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed; and
- (4) The property cannot be moved or relocated to another site similar or within the District.

6.1.11.2 The City shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income-producing and non-income-producing properties, as recommended by the HPC. Non-income-producing properties shall consist of owner-occupied single-detached dwellings and non-income-producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the City may include, but not be limited to, the following:

- (1) Purchase date price and financing arrangements
- (2) Current market value
- (3) Form of ownership
- (4) Type of occupancy
- (5) Cost estimates of demolition and post-demolition plans for development
- (6) Maintenance and operating costs

- (7) An inspection report by licensed architect or structural engineer that has experience working with historic properties
- (8) Costs and engineering feasibility for rehabilitation
- (9) Property tax information
- (10) Rental rates and gross income from the property
- (11) Other additional information as deemed appropriate

6.1.11.3 **Claims of economic hardship by the owner shall not be based on conditions resulting from:**

- (1) Evidence of demolition by neglect or other willful and negligent acts by the owner
- (2) Purchasing the property for substantially more than market value at the time of purchase
- (3) Failure to perform normal maintenance and repairs
- (4) Failure to diligently solicit and retain tenants
- (5) Failure to provide normal tenant improvements

6.1.11.4 Throughout the process, the applicant shall consult in good faith with the HPO, 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 demonstrated to the HPC at the hearing.

6.1.12 ENFORCEMENT.

All work performed pursuant to a certificate of appropriateness issued under this LDC shall conform to any requirements included therein. It shall be the (1) duty of the building inspector to inspect periodically any such work to assure compliance. In the event that work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the HPC and verification by the HPO, the (2) building inspector shall issue a stop work order and all work shall immediately cease. The property (3) owner shall then be required to apply for a hearing before the HPC to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work order is in effect until a decision is rendered by the HPC on the application.

6.1.13 PENALTIES.

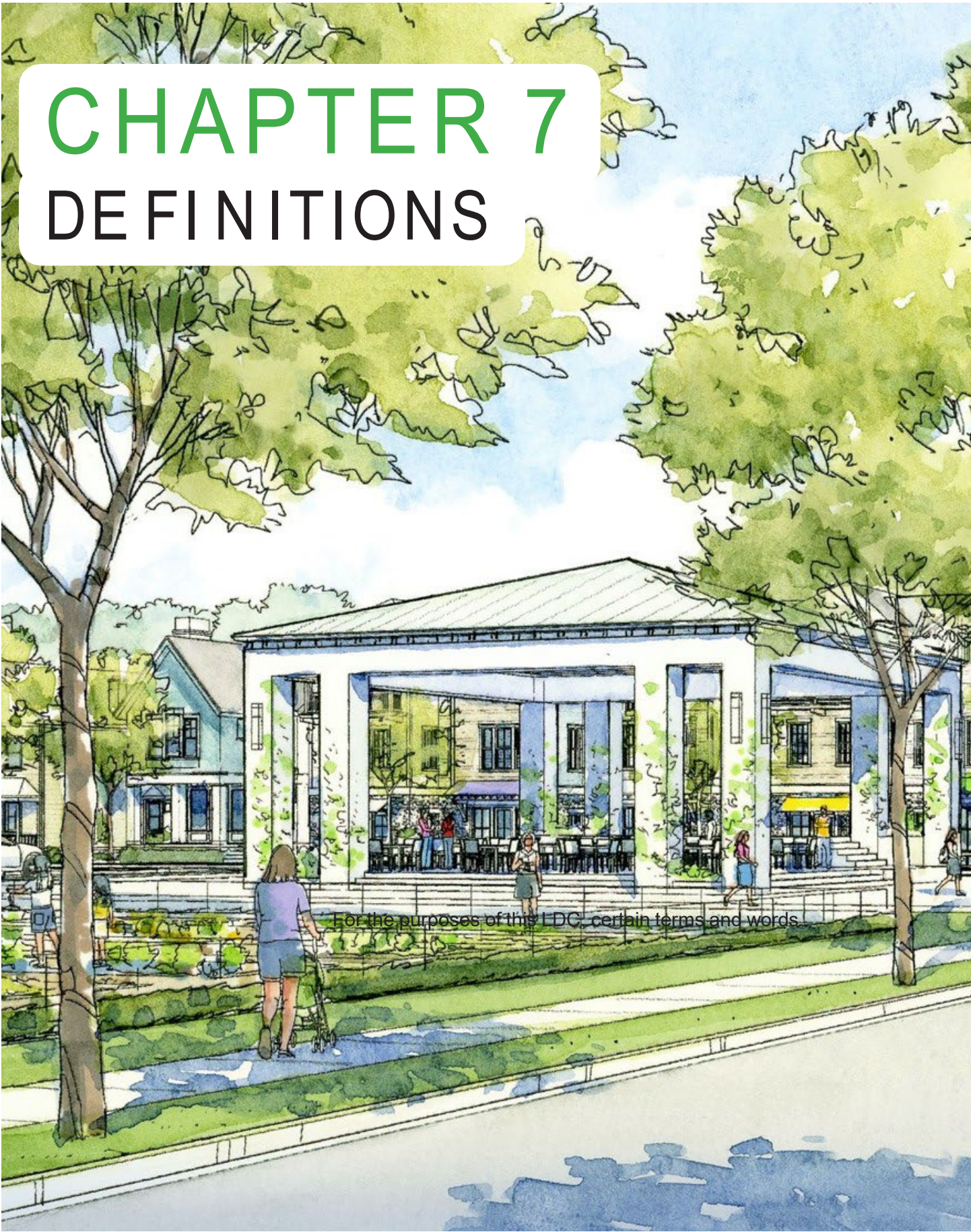
It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish any building or structure designated with historic overlay zoning in violation of the provisions of this LDC. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration, or demolition to restrain, correct, or abate such violation or to prevent any illegal act, business, or maintenance in and about such premises, including acquisition of the property. Any person, firm, or corporation violating any provision of this LDC shall be guilty of a Class C misdemeanor, punishable by a fine of not less than \$250.00 or more than \$2,000.00.

Each day the violation continues shall be considered a separate offense. Such remedy under this section is in addition to any abatement restitution.

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CHAPTER 7

DEFINITIONS



For the purposes of this LDC, certain terms and words

are hereby defined; terms not defined herein shall be constructed in accordance with customary usage in municipal planning and engineering practices.

ACCESSORY BUILDING shall mean an outbuilding that is smaller than the main structure and is situated behind the main structure on the lot.

ACCESSORY DWELLING shall mean a secondary unit located toward the rear of the same lot as a principal building used as an additional dwelling unit.

ADDITION shall mean any construction that increases the size of a structure in terms of site coverage, height, or gross floor area.

ADDRESS SIGN shall mean a sign, generally applied to a building wall, that displays a building's address.

ADMINISTRATIVE APPROVAL shall mean the process by which the City Manager reviews submitted administrative plats, public frontage, site, and/or building plans and provides approval based on compliance with this LDC.

ADMINISTRATIVE PROCEDURE shall mean the procedure to be followed for the approval of the subdivision or re-subdivision of an existing lot(s) when such subdivision meets certain limited conditions set by the City.

ADMINISTRATIVE REVIEW shall mean the process by which the City reviews submitted Neighborhood Plans, Public Frontage, site, and/or Building Plans to determine compliance with this LDC.

ADMINISTRATOR shall mean the City Manager and/or designated City Staff.

ALLEY shall mean a vehicular drive located to the rear of lots providing access to service areas, parking, rear building access and may contain utility easements.

ALLEY SIGN shall mean a sign used to identify the alley entrance to a building or business.

ALTERATION shall mean any change, demolition, or modification to a structure or site designated as a historic landmark or located in a local historic area including, but not limited to, the following:

- (1) Exterior changes to or modifications of any buildings or structures, architectural details or visual characteristics.
- (2) Construction of new structures.
- (3) Disturbance of archaeological sites or areas; or
- (4) Disturbance, placement, or removal of exterior objects that affect the exterior qualities of the property.

AMENDING PLAT shall mean plat as defined in 212.016 of the Texas Local Government Code and the procedure for such plats shall be the same as the procedure as defined herein.

APARTMENT BUILDING shall mean a building or series of buildings containing greater than five (5) dwelling units in a building with exterior dwelling unit entrances, primarily rented or leased for terms longer than thirty (30) days.

APEX shall mean the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

APPEAL shall mean a means for obtaining a review of a decision, determination, order, or failure to act.

APPLICANT shall mean a person or entity who submits to the City an application for an approval required by this LDC. To be qualified as an applicant under this LDC, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this LDC. The term shall be restricted to include

only the property owner(s), or a duly authorized agent and representative of the property owner.

APPLICATION shall mean a written request to the City for an approval required by this LDC that contains all information required by this LDC and that has been deemed administratively complete by the City.

APPURTENANT features shall mean the features that define the design of a building or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

ARCADE shall mean colonnade supported upper stories of a building projecting over the sidewalk, where the facade of the first story remains at or behind the frontage line.

ARCHAEOLOGICAL resource shall mean a site with archaeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

ARCHITECTURAL ELEMENT shall mean the unique details and component parts that combined form the architectural style of a structure, building, or object.

ARCHITECTURAL FEATURES shall mean ornamentation or decorative features attached to or protruding from or otherwise accentuating an exterior wall.

AWNING shall mean a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use. This term does not include canopies.

AWNING SIGN shall mean lettering applied directly on the valance or other vertical portion of an awning.

BAND SIGN shall mean a sign that is attached flat on the exterior front, rear, or side wall of any building or other structure.

BANNER shall mean a temporary sign, either attached or freestanding, with or without characters, letters, illustrations, or ornamentations, applied to cloth, paper, flexible plastic or fabric of any kind, attached to the exterior of the structure or freestanding on the site with temporary fastening devices such as rope, string, wire, twine, or similar materials, which is in addition to the permitted permanent signs, announcing a special event for a business, i.e., business openings, grand openings, sales, or promotion events.

BICYCLE CORRAL shall mean a group of either short-term or long-term bicycle parking spaces that are located in the vehicular parking area adjacent to the curb. The corral is generally surrounded by a painted white box on the street with flexible vertical delineators and a wheel stop where vehicles are likely to back into the adjacent parking spot.

BICYCLE RACK, LONG-TERM shall mean a bicycle parking fixture that provides at least two bicycle spaces and includes at least a four-foot-wide by six-foot-long dimension, is intended for parking more than three hours, and is fully protected from the elements.

BICYCLE RACK, SHORT-TERM shall mean a bicycle parking fixture that provides at least two bicycle spaces, includes at least a four-foot-wide by six-foot-long dimension, and is intended for parking less than three hours.

BLADE SIGN shall mean a sign mounted on the building facade, projecting at a 90-degree angle.

BLOCK shall mean an aggregate land area circumscribed by streets or thoroughfares.

BLOCK FACE shall mean the aggregate of all the principal frontage lines or alternatively the building facades on one side of a block.

BUILDABLE WIDTH shall mean the width of the building site left to be built upon after the required IBC setbacks

are provided.

BUILDING shall mean a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, real property, and business activity.

BUILDING BLOCK shall mean the 330' X 330' block size that is defined in Taylor's DNA. It is the foundation of the walkable environment.

BUILDING LINE shall mean the rear line of a required front build-to-line that is generally parallel to the street line forming the front line.

BUILDING OFFICIAL shall mean the inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Code and this LDC where indicated.

BUILDING TYPES shall mean a range of structures with different standards to create a variety of options for human settlements.

BUILD-TO-LINE shall mean the line parallel to the street along which the primary mass of the front facade should be set. It is measured as a perpendicular distance from the street line to the nearest point of the building facade.

BUSINESS shall mean a place where a person practices their regular occupation, profession, or trade.

BY RIGHT shall mean characterizing a proposal or component of a proposal for a Neighborhood Plan or Site Plan that complies with this LDC and is permitted and processed administratively without public hearing.

CALENDAR YEAR shall mean between January 1 to December 31 of each year.

CANOPY shall mean any non-rigid material such as fabric or flexible plastic, that is supported by or stretched over a frame, that is attached to an exterior wall, and that may include a type that can be retracted, folded, or collapsed against the face of a supporting building.

CERTIFICATE OF APPROPRIATENESS shall mean the certificate issued by the City indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within historic overlay zoning.

CERTIFICATE OF OCCUPANCY shall mean an official certificate issued by the City through the Building Official that indicates conformance with the zoning standards and building codes and authorizes legal use of the premises that it is issued.

CERTIFIED LOCAL GOVERNMENT shall mean a local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic structures, to review areas for historically significant structures, and to develop and maintain the community planning and education process. This federal government program, authorized by the National Historic Preservation Act, 16 U.S.C. 470 et seq., provides for the participation of local governments in a federal/state/local partnership.

CHANNEL LETTERS shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect.

CITY OR THE CITY shall mean the City of Taylor and its authority of its city limits and extraterritorial jurisdiction (ETJ).

CITY CLERK shall mean the City Clerk of the City of Taylor or the authorized representative of the clerk.

CITY COUNCIL shall mean the governing body of the City of Taylor, Texas.

CITY ENGINEER shall mean a Licensed Engineer with the state of Texas or their representative with the City.

CITY MANAGER shall mean the chief administrative officer of the City of Taylor and their designated representative.

CITY OF TAYLOR ENGINEERING MANUAL shall mean the engineering manual adopted February 9, 2010, by Ordinance 2009-37, and any engineering manual adopted by the City of Taylor, Texas, by ordinance after March 24, 2011, superseding or repealing Ordinance 2009-37. Also referred to as the Engineering Manual.

CIVIC shall mean a designation for public sites dedicated for civic buildings and civic space.

CIVIC BUILDING shall mean a building operated by not-for-profit organizations dedicated to art, culture, education, recreation, government, transit, and municipal parking, or as approved by the Planning & Zoning Commission and City Council.

CIVIC SPACE shall mean an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships between their intended use, their size, their landscaping, and the buildings that front them.

CLEARANCE shall mean the height above the walkway, or another surface if specified, of the bottom edge of an element.

CLUSTERED LAND DEVELOPMENT OR CLD shall mean a Development Pattern structured by a pedestrian shed oriented toward a common destination such as a general store, meeting hall, schoolhouse, or church clustered together in order to preserve open space. CLD takes the form of a small settlement standing free in the countryside.

COLLECTOR STREET shall mean a street that continues through several residential districts and is intended as a connecting street between residential districts and arterial streets or thoroughfares or business districts. Such secondary or collector streets will also be indicated in the Thoroughfare Plan when adopted which will be placed on file with the City Engineer.

COMMERCIAL shall mean the term collectively defining workplace, office, retail, and lodging uses.

COMMERCIAL SIGN shall mean a sign that directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.

COMMISSION shall mean the Planning and Zoning Commission of the City of Taylor, Texas.

COMMON DESTINATION shall mean an area of focused community activity, usually defining the approximate center of a pedestrian shed. It may include, without limitation to, one or more of the following: a Civic Space, a Civic Building, a commercial center, or a transit station, and may act as the social center of a neighborhood.

COMPREHENSIVE PLAN shall mean a document adopted by the City that consists of graphic and textual policies that govern the future development of the City and that consists of various components governing specific geographic areas and functions and services of the City.

CONSERVATION EASEMENT shall mean a voluntary legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values.

CONSTRUCTION shall mean the act of adding an addition to an existing building, structure or object, or the erection of a new principal or accessory building, structure, or object on any lot, parcel, or site.

CONSTRUCTION PLANS shall mean the scaled and dimensioned drawings intended to identify exactly how a

proposed project will be constructed. Construction plans include, but are not limited to, the following information: cover sheet, plat, site plan, landscape plan, sign plan, drainage plans and calculations, building plans, plans for both public and private utilities, construction details, etc.

CONTRIBUTING shall mean a building, structure, site, or object within a designated historic district which:

- (1) embodies the significant physical features and characteristics of the district, or adds to the historical association, historical architectural qualities, or archaeological values identified for the district; and
- (2) was present during the period of significance relating to the documented significance of the district; and
- (3) possesses historic integrity or is capable of yielding important information about the period.

COURTYARD shall mean the placement of a building within the boundaries of its lot to create a private courtyard, while internally defining one or more private patios. Courtyard is a building type.

CURB shall mean the edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system.

DANGEROUS STRUCTURE shall mean a structure that poses an imminent threat to public health or safety.

DEMOLITION shall mean an act or process which: (1) destroys a lot, parcel or site or building, structure or object in its entirety, (2) destroys a part of a lot, parcel or site or building, structure or object and permanently impairs its structural, historic or architectural integrity, (3) removes the building, structure or object or any part thereof from the original lot, parcel or site without the requisite moving permit, or (4) removes architectural elements and features from the exterior of a building, structure or object.

DEMOLITION BY NEGLECT shall mean improper maintenance, neglect in the maintenance of, or lack of maintenance of any structure or property with historic overlay zoning, which results in deterioration of the structure and threatens the preservation of the structure.

DESIGNATION shall mean the process by which the City Council may designate certain buildings, land, areas, and districts in the City with historic overlay zoning and define, amend, and delineate the boundaries thereof.

DESIGN GUIDELINES shall mean the "Design Guidelines for Historic Taylor, Texas" as adopted by the City Council and as may be amended from time to time. These are guidelines of appropriateness or compatibility of building design within a community or historic district. Design guidelines contain drawings accommodating "do's and don't's" for the property owner. The historic preservation commission has the authority to administer design guidelines.

DESIGN REVIEW shall refer to the decision-making process conducted by the historic preservation board or an appointed historic preservation officer that is guided by established terms.

DEVELOPMENT shall mean any construction activity or alteration of the landscape, its terrain contour, or vegetation, including the erection or alteration of structures or land use.

DEVELOPMENT PATTERN shall mean options for land configuration for a Neighborhood Plan. The three types addressed in this LDC are Cluster Land Development (CLD), Traditional Neighborhood Development (TND), and Village Cluster Development (VCD).

DEVELOPMENT REVIEW COMMITTEE (DRC) shall mean staff members from each department overseeing development, infrastructure, and public safety that administer the provisions of this LDC.

DEVELOPMENT SIGN shall mean a sign announcing a proposed subdivision or a proposed building project.

DISPOSITION shall mean the placement of a building on its lot.

DISTRIBUTION MAINS shall mean off-site utilities serving a subdivision and other areas that are not laterals or service lines.

DRAINAGE shall mean any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or groundwater. It may include the construction, deepening, extending, opening, installation, or laying of any canal, drain, or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

DRAINAGE FACILITIES shall mean all facilities constructed within a subdivision related to stormwater drainage, including but not limited to swales, lawn areas, fences, structures, drainage facilities, drainage pipes, pumps, and detention and retention ponds.

DRIVEWAY shall mean a vehicular lane within a lot, often leading to a garage.

DUPLEX shall mean a building with two units within one structure on a lot. The configuration can be side by side, stacked, front to back, etc.

DWELLING shall mean any building or portion thereof, that is designed or used as living quarters for one or more families.

ECONOMIC HARDSHIP shall mean the inability of an owner to obtain a reasonable return or a reasonable beneficial use from a property with historic overlay zoning as required by the United States Supreme Court in Penn Central Transportation Company v. New York City, 438 U.S. 104 (1978) and subsequent decisions. A reasonable economic return does not have to be the most profitable return possible or allow the highest and best use of the property.

EDGEYARD BUILDING shall mean a building that occupies the center of its lot with setbacks on all sides. Edgeyard is a Building Disposition.

ELEVATION shall mean the exterior wall of a building that is set along a frontage line.

ENCROACHMENT shall mean any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.

ENFORCEMENT OFFICER shall mean a public official or employee responsible for ensuring compliance with local zoning regulations and ordinances.

EXTERIOR ARCHITECTURAL FEATURE shall mean but not be limited to architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way.

EXTERNALLY ILLUMINATED shall mean artificial light located away from the sign which lights the sign. The source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

EXTRATERRITORIAL JURISDICTION (ETJ) shall mean the area adjacent to the city limits of the City as created and authorized under Chapter 42 of the Texas Local Government Code. The City is authorized to control, among other things, subdivision as prescribed or defined by law.

FACADE shall mean the portion of any exterior elevation on the building extending from the grade to parquet, wall, or eaves, and the entire width of the building elevation which are adjacent to the front on any right-of-way. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

FAUX NEON SIGNAGE shall mean signage created by using light emitting diodes (LEDs) which are strung closely together so that the light they emit overlaps and creates a steady source of light encased in plastic tubes.

FEATHER BANNER shall mean a vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or is supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Chapter, a feather banner is an advertising device and sign.

FENCE shall mean a barrier or enclosure made of stone, brick, pierced brick or block, wood, or other permanent material of equal character, density, and acceptable design, including but not limited to masonry walls, chain link fences, barbed wire fences, picket fences, and privacy fences.

FILED shall mean the date when a submission has been deemed an administratively complete application. A plan or permit application shall be reviewed for completeness and be deemed administratively complete to be considered filed.

FINAL PLAT shall mean a plat as defined in 212.014 or 212.015 of the Local Government Code and the procedure for such plats shall be the same as standard procedure as defined herein.

FLAG/PENNANT shall mean a piece of fabric of distinctive design that is used as a symbol (as of a nation), identification, signaling device, or as decoration.

FLOODPLAIN shall mean an area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM (Flood Insurance Rate Map) of the City of Taylor.

FREESTANDING COMMERCIAL SIGN shall mean a sign supported by one or more columns, poles, or bars extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.

FRONTAGE shall mean the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

FRONT PROPERTY LINE shall mean a lot line bordering a public frontage. Facades facing front property lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

GALLERY shall mean an attached cantilevered shed or a lightweight colonnade extending from a building facade to overlapping the sidewalk.

GOVERNMENT shall mean a federal, state or local government entity and includes the City of Taylor and Williamson County.

GOVERNMENT SIGN shall mean a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner's rights. Local government includes any political subdivision including the county, the City, the school district, or an emergency services district.

GRADE shall mean ground level.

GREEN shall mean a Civic Space Place Type (CS) for unstructured recreation, spatially defined by landscaping rather than building frontages.

HALO LIT SIGN shall mean aluminum faces and sides (returns) mounted onto standoffs away from the wall which project either LED's or neon illumination to the wall surface, giving the sign a halo effect.

HANGING SIGN shall mean a sign attached to underneath the canopy or awning.

HISTORIC DESIGNATIONS shall mean an official recognition of the significance of a building, property, or district. Designation can occur on three different levels:

- (1) Federal - The National Register of Historic Places (for both individual buildings and entire districts);
- (2) State - Recorded Texas Historic landmarks (only for individual buildings) and State Archaeological Landmarks; or
- (3) Local - designated under a municipal historic ordinance either individually as a landmark or as a locally designated district.

HISTORIC DISTRICT shall mean an area of the City containing a grouping of historic properties that are designated with historic overlay zoning and that may contain properties that are both contributing and non-contributing, but that is united historically or aesthetically. For the purpose of this section, the entirety of an historic district shall have historic overlay zoning.

HISTORIC LANDMARK shall mean any building, structure, object, site, or portion thereof with historic overlay zoning.

HISTORIC PRESERVATION shall mean the protection, reconstruction, rehabilitation, repair, and restoration of places and structures of historic, architectural, or archaeological significance.

HISTORIC PRESERVATION COMMISSION (HPC) shall mean the five-member Board established under this LDC and appointed by City Council.

HISTORIC PRESERVATION OFFICER (HPO) shall mean the planning director or their designee who shall serve as the historic preservation officer for the City and who shall oversee the historic preservation program for the City.

HISTORIC REHABILITATION shall mean the 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 and features of the property which are significant to its historic, architectural, and cultural values.

HISTORIC RESOURCE shall mean any building, structure, object, or site that is 50 years old or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

HISTORIC RESOURCES SURVEY shall mean a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

HOME OCCUPATION shall mean an occupation carried on only by a resident of the premises (and by no other person(s)), which occupation is clearly incidental and secondary to the residential purposes of the premises and does not change the external appearance of the residential property or be detrimental to the residential character of the neighborhood.

HOME OWNER'S ASSOCIATION (HOA) shall mean an organization authorized by the Texas Property Code Section 202 that is established in part to provide for the maintenance of required drainage improvements.

HOUSE shall mean a single dwelling unit edgeyard building on a lot.

IBC/ICC (INTERNATIONAL BUILDING CODE/INTERNATIONAL CODE COUNCIL) shall mean the Code or Codes adopted by the City of Taylor to ensure public health and safety of buildings, including all related Codes.

IMPROVEMENT shall mean any building, structure, or object constituting a physical betterment of real property, or any part of such betterment, including but not limited to streets, alleys, curbs, lighting fixtures, signs and the like.

INFLATABLE SIGN shall mean an inflatable device, with or without a message, figure, or design attached to its surface designed to attract attention.

INFILL/INFILL DEVELOPMENT shall mean new development on land that had been previously developed, including most greyfield and brownfield sites, or remainder lands surrounded by developed lands and cleared land within urbanized areas.

INTERNALLY ILLUMINATED shall mean a light source that is concealed or contained within the sign and becomes visible in darkness through a transparent surface.

INITIATED DESIGNATION shall mean the historic designation procedure is considered to be initiated immediately when the City Council, the Planning & Zoning Commission, or the Historic Preservation Commission votes to initiate it or, in the case of initiation by the property owner(s), when the designation report is filed with the planning director.

INTEGRITY shall mean the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY shall mean a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

LANDSCAPE shall mean any improvement or vegetation including but not limited to shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to subsurface alterations, site regarding, fill deposition, and paving.

LAYER shall mean a range of depth of a lot within those certain elements are permitted.

- (1) First Layer shall mean the area of a lot from the frontage line to the facade of the principal building.
- (2) Second Layer shall mean the area of a lot set behind the first layer to a depth of 20 feet in all Place Types
- (3) Third Layer shall mean the area of a lot set behind the second layer and extending to the rear lot line.

LIGHTING shall mean any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

LIGHT TRESPASS shall mean light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

LOCAL HISTORIC DISTRICT shall mean a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not are subject to the regulations of the district.

LOCAL HISTORIC LANDMARK shall mean any site, building, structure, or landscape of historic significance that receives designation by the City pursuant to this LDC.

LODGING shall mean a place for temporary sleeping accomodation.

LOT shall mean a divided tract or parcel of land having frontage on a public right-of-way or on an approved civic

space or open space having direct thoroughfare access and that is or may be offered for sale, conveyance, transfer or improvement that is designated as a distinct and separate tract, and that is identified by a tract, or lot number or symbol in a duly approved plat that has been properly filed of record.

- (1) Lot, Corner shall mean a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed one hundred thirty-five (135) degrees.
- (2) Lot, Double Frontage shall mean a building lot not a corner lot, both the front and rear lot lines which adjoin street lines. On a double frontage lot, both street lines shall be deemed front lot lines unless contrary to any restrictive covenant applicable to said property.
- (3) Lot, Interior shall mean a building lot other than a corner lot.
- (4) Lot, Reverse Corner shall mean a corner lot, the rear lot line of which abuts the side lot line of the lot to its rear.

LOT AREA OR LOT SIZE shall mean the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this LDC.

LOT AREA PER DWELLING UNIT shall mean the lot area required for each dwelling unit located on a building lot.

LOT COVERAGE shall mean the percentage of the area of a lot covered by building, parking, or other impervious footprints.

LOT LINE shall mean the boundary that legally and geometrically demarcates a lot.

- (1) Lot Line, Front shall mean the boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line provided a front and rear IBC setback are provided adjacent and opposite, respectively to the front line, and provided further that same front line does not violate any restrictive covenant applicable to said property.
- (2) Lot Line, Rear shall mean the boundary of a building lot which is most distant from and is, or is most nearly, parallel to the front lot line.
- (3) Lot Line, Side shall mean any boundary of a building lot which is not a front lot line or a rear lot line.

LOT OF RECORD shall mean a lot that is part of a plat that has been recorded in the office of the County Clerk of Williamson County.

LOW-INCOME HOMEOWNER shall mean any homeowner that meets the U.S. Department of Housing and Urban Development (HUD) qualifications for low income.

LOT WIDTH shall mean the length of the principal frontage line of a lot.

LOW PROFILE SIGN shall mean a sign with a permanent foundation that is not attached to a building, but is a stand-alone sign which does not exceed 60 square feet in area and four feet in height.

LUMEN shall mean the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). The initial lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

LUMENS PER ACRE shall mean the total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

LUMINOUS ELEMENTS (OF A LIGHT FIXTURE) shall mean the lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

MAILBOX type structure shall mean a small frame structure that resembles a mailbox support to which a swinging sign is attached and is located on the applicant's property.

MAIN CIVIC SPACE shall mean the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

MAINTENANCE AGREEMENT shall mean an agreement between the City of Taylor, Texas and a Developer that will insure that installed appurtenances will be maintained in accordance with best management practices.

MANUFACTURED HOME shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MASTER SIGN PLAN shall mean a comprehensive document containing specific standards for an entire project or property's signs.

MARQUEE shall mean permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

MARQUEE SIGN shall mean any sign attached to a marquee for the purposes of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

MESSAGE BOARD shall mean a sign with changeable text. Non-electronic Message Boards typically consist of letters attached to a surface within a transparent display case. Electronic Message Boards typically have a fixed or changing message composed of a series of lights.

MINOR ALTERATIONS shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.

MINOR PLAT shall mean a plat as defined in 212.014 or 212.015 of the Local Government Code and the procedure for such plats shall be the same as standard procedure as defined herein.

MOBILE FOOD VENDORS shall mean any Business that operates or sells food for human consumption, hot or cold, from a Mobile Food Vending Unit.

MOBILE HOME shall mean a factory-assembled structure approved by the municipality with the necessary service connections made so as to be movable on site and designed to be used as a permanent dwelling.

MODULAR HOME shall mean a structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Modular homes must meet all applicable

local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

MONUMENT SIGN shall mean a ground Sign generally having a low profile with little or no open space between the ground and the sign and having a structure constructed of masonry, wood, or materials similar in appearance.

MURAL shall mean artwork applied to the wall of a building that covers all or substantially all of the wall and depicts a scene or event of natural, social, cultural, or historic significance. Excludes any commercial message.

NAMEPLATE shall mean a sign consisting of either a panel or individual letters applied to a building, listing the names of businesses or building tenants.

NATIONAL HISTORIC LANDMARK shall mean a district, site, building, structure, and/or object that has been formally designated as a National Historic Landmark by the U.S. Secretary of the Interior and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. National Historic Landmarks are automatically listed in the National Register.

NATIONAL REGISTER OF HISTORIC PLACES shall mean a federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register Program is administered by the local historic preservation commission, by the state historic preservation office, and by the National Park Service under the Department of the Interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.

NEIGHBORHOOD PLAN shall mean a neighborhood design plan created through a series of maps defining the physical form, Place Type allocation, block types, and extent of a settlement as required the LDC. The three Development Patterns addressed in this LDC are CLD, TND, and VCD and allow for the creation of a variety of Neighborhood Plan patterns.

NEIGHBORHOOD STREET shall mean a street that continues through several residential districts and is intended as a connecting street between residential districts and arterial streets or thoroughfares or business districts. Such secondary or neighborhood streets are indicated in the Transportation Master Plan and will also be indicated in the Thoroughfare Plan when adopted, which will be placed on file with the City Engineer.

NEON signage shall mean electric signs illuminated by small gas-charged glass tubes containing neon or some other form of rarified gas.

NONCONFORMING SIGN shall mean a sign lawfully in existence on the date the provisions of this LDC are adopted that does not conform to the provisions of this LDC, but was in compliance with the applicable standards at the time they were constructed, erected, affixed, or maintained.

NONCONTRIBUTING shall mean a building, site, structure, or object that is located within a designated historic district, but does not add to the historic associations, historic architectural qualities, or archaeological values for which the district is significant because:

- (1) It was not present during the period of significance;
- (2) It does not relate to the documented significance of the property; and/or
- (3) To alterations, disturbances, additions, or other changes, it no longer possesses historic integrity and/or is capable of yielding important information about the period.

NON-COMMERCIAL SIGN shall mean a work of art or message which is political, religious, or pertaining to a point

of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered or existing.

NON-CONTRIBUTING STRUCTURE shall mean a structure within a designated local Historic District that is not considered to be of historical significance or which does not possess significant physical features, historical associations, or historical architectural qualities.

NONRESIDENTIAL shall mean a property used for purposes other than to residential.

OBJECT shall mean a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term “object” is used to distinguish it from buildings or structures as objects are constructions that are primarily artistic in nature or are relatively small in scale or simply constructed.

OFF-PREMISES COMMERCIAL SIGN shall mean a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is displayed. This definition includes but is not limited to freestanding and billboard signs.

ON-PREMISE COMMERCIAL SIGN shall mean a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon the premises where such sign is displayed. This definition does not include non-commercial signs.

OFF-SITE IMPROVEMENTS shall mean improvements made to a parcel of property in accordance with local policies that are not contained within the boundaries of the property.

ON-SITE IMPROVEMENTS shall mean improvements made to benefit a parcel or parcels of property in accordance with local policies that are within the boundaries of property being improved.

OPEN SPACE shall mean land intended to remain undeveloped; it may be for civic space, left natural, or integrate trails or other activities.

ORDER OF DEMOLITION shall mean a directive issued by the local historic preservation commission indicating approval of plans for demolition of a designated landmark or property within a designated district.

ORDINARY MAINTENANCE shall mean activities relating to a property that would be considered ordinary or common for maintaining the property, such as a) repair using the same material and design as the original and does not require structural modifications; b) repainting; c) reroofing, using the same type; or d) repair of sidewalks and driveways.

OSSF shall mean on-site sewage facility, commonly referred to as septic systems, whether of a traditional or “engineered” design.

OUTDOOR DISPLAY CASE shall mean a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

OVERLAY DISTRICT shall mean zoning applied over one or more other districts, creating a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (such as more density in an economic development area).

OWNER shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

PARCEL shall mean a contiguous tract of land owned by or controlled by the same person or entity.

PARK shall mean a civic space type that is a natural preserve available for unstructured recreation.

PARK AND RECREATION, PUBLIC shall mean an open recreation facility or park owned and operated by a public agency, such as the park department or school board and available to the general public.

PARK OR PLAYGROUND (PRIVATE) - Shall mean a structure or space on private land designated for recreation and play.

PARK OR PLAYGROUND (PUBLIC) - See "Public Recreation".

PATH OR PATHWAY shall mean a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

PEDESTRIAN shall mean any person afoot. A person who uses an electric personal assistive mobility device or a manual or motorized wheelchair is considered a pedestrian unless the manual wheelchair qualifies as a bicycle. For the purposes of this paragraph, "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility.

PEDESTRIAN SHED shall mean the area covered by a 5-minute walk from the center of a neighborhood (about 0.25 miles or 1,320 feet). The acreage of the pedestrian shed is determined by the development pattern.

PERMANENT SIGN shall mean a sign constructed of durable materials which is affixed or attached to real property by poles, stakes, or other members which are placed into the ground, or upon some other type of permanent foundation and are intended for long-term use. A permanent sign excludes a sign attached to a building or other permanent structural members with rope, string, wire, twine, or similar material.

PID shall mean a Public Improvement District as authorized by section 372 of the Texas Local Government Code.

PLACE TYPES OR PLACE TYPE ZONES shall mean geographic boundaries that use standards to establish the Building Types density, height, and other elements of the intended habitat. Each Place Type has associated standards relating to the private and public frontages.

PLACE TYPE ZONING MAP shall mean the official map or maps that are part of this LDC and delineate the boundaries of individual districts.

PLANNING & ZONING COMMISSION shall mean a board, appointed by the City Council, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

PLAT shall mean a of a division of land creating building lots or tracts, showing all essential dimensions, and other information necessary to comply with the standards of the City of Taylor, approved by the City of Taylor, and recorded in the plat records of Williamson County. It shall include plan, plat or replat, both singular and plural.

PLAZA shall mean a civic space type designed for civic purposes and commercial activities in the more urban Place Types, generally paved and spatially defined by building frontages.

POLE SIGN shall mean a sign permanently affixed to the ground by poles that are enclosed by natural stone, stucco, brick, or wood and not mounted to a part of a Building.

POLITICAL SIGN shall mean any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be considered in the category of non-commercial signs except where there are regulations pertaining to their removal after an election.

PORTABLE SIGN shall mean a sign which is not affixed or attached to real property by poles, stakes, or other members which are placed into the ground, or upon some other type of permanent foundation; trailer signs, any

sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground, without subsurface attachment or extension.

PRE-CONSTRUCTION shall mean a formal meeting with the City Engineer before a Subdivision Improvement Plan or Subdivision Improvement Plan Agreement may be approved.

PRE-DEVELOPMENT MEETING shall mean a meeting with City Staff required before a formal application submission for any plat, replat, or plat vacation may be submitted to the City.

PREMISES shall mean land together with any buildings or structures situated thereon.

PRESERVATION shall mean the stabilization of a historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

PRESERVATIONIST shall mean someone with experience, education or training in the field of preservation.

PRIMARY FRONTAGE shall mean the private frontage designed to bear the address and principal entrance(s) of a building.

PRIMARY SIGN shall mean the most dominant sign on the building. This may be a single sign or a combination of signs providing that the total square footage of the primary sign or signs does not exceed the total allowable square footage permitted for the building.

PRINCIPAL BUILDING shall mean the main building on a lot.

PRINCIPAL BUILDING FACADE shall mean the primary street side of the building facing the public realm.

PRINCIPAL ENTRANCE shall mean the main point(s) of access for pedestrians into a building or unit within a building.

PRINCIPAL FRONTAGE shall mean the private frontage designed to bear the address and principal entrance(s) of a building.

PRIVATE FRONTAGE shall mean the privately held first lot layer and the facade of the building.

PRIVATE REALM shall mean privately owned areas in large part developed with buildings and associated improvements. It is more limited in its accessibility to the public.

PROJECT shall have the same definition as "Development".

PROJECTING SIGN shall mean a two-sided sign projecting from a building and placed perpendicular to the building's front facade or placed at the building's exterior corner.

PUBLIC ENTITY shall mean a federal, state, or local government entity and includes the City of Taylor, Williamson County, and Taylor Independent School District.

PUBLIC FRONTAGE shall mean the area between the curb of the vehicular lanes and the front property line.

PUBLIC IMPROVEMENTS shall mean any water, wastewater, paving, and drainage facility that will be maintained by the City.

PUBLIC INFRASTRUCTURE shall mean any portion of a street, drainage, water, and wastewater improvement system, including but not limited to any and all appurtenances related to such system, whether on or off-site, which is intended to serve more than one parcel of property, connects to existing public infrastructure, or intended to provide for the public health, safety, and welfare of the community.

PUBLIC REALM shall mean the streets, parks, squares, green spaces, and other interconnected outdoor places that require no key to access them and are available without charge for everyone to use.

PUBLIC RECREATION shall mean publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events.

REAL ESTATE, FINANCE, AND CONSTRUCTION SIGN shall mean an attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease, or advertising the furnishing of interim or permanent financing for a project, or for the furnishing of labor, materials or the practice of crafts on the job site.

REARYARD BUILDING shall mean a building that occupies the full frontage line, leaving the rear of the lot as the sole yard.

RECONSTRUCTION shall mean the act or process of reassembling, reproducing or replacing by new construction the form, detail and appearance of property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work or by reuse of original materials.

RECORDED TEXAS HISTORICAL LANDMARK shall mean a state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

RECREATIONAL VEHICLE shall mean a portable home designed as a temporary dwelling for travel and recreational and vacation uses. Such homes shall not exceed eight feet in width and 46 feet in length and shall be classified as a recreational vehicle whether or not its wheels, rollers, skids or other rolling equipment have been removed, and whether or not any addition thereto has been built on the ground; and shall also include pick-up campers, converted buses, self-powered motor homes, tent trailers, tents and analogous temporary portable housing and accessory buildings.

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

RELOCATION shall mean any change of the location of a structure in its present location to another location within the city limits.

REMOVAL shall mean permanently moving a structure or feature or tree from its current location.

REPLAT shall mean a plat as defined in Chapter 212.014 or 212.015 of the Local Government Code and the procedure for such plats shall be the same as standard procedure as defined herein.

RESIDENTIAL shall mean a structure designated and built for someone to live in.

RESPONSIBLE PARTY shall mean the owner/operator of the business being identified on the sign; the owner of the property where the sign or sign structure is located; the owner of the sign or sign structure; the person who installs a sign or sign structure, contracts with or directs a person to accomplish the installation; and/or the person who retrieves a sign from the impound.

RESTORATION shall mean the act or process of accurately recovering the form and details of a building, structure or object or lot, parcel or site and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacements of missing earlier work.

RE-SUBDIVISION shall mean the division of an existing subdivision, together with any change of lot size therein, or with relocation of any street lines.

RIGHT OF WAY shall mean the land located between the property line and the edge of the pavement of a public street or a utility easement in which a governmental entity has an interest.

ROOF SIGN shall mean an outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof, six feet above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

SCREENED shall mean shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened by a fence, wall, hedge, berm, or similar architectural or landscape feature.

SECONDARY FRONTAGE shall mean on corner lots, the private frontage that is not the principal frontage.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES shall mean a federal document providing standards and guidelines for the appropriate rehabilitation, preservation, restoration, and reconstruction of historic buildings.

SETBACK shall mean the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of encroachments listed in this LDC. The Build-to-Line replaces the front setback in the zoning and subdivision standards. See Build-to-Line.

SHALL OR MAY shall mean the word "shall" shall be deemed mandatory, the word "may" shall be deemed permissive.

SHED AWNING shall mean an awning with two short sides in addition to the main canopy.

SHIELDED shall mean the description of a luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, baffles, louvers, skirts, or visors.

SHINGLE SIGN shall mean a small blade sign usually mounted on the ground floor level, displaying a building's professional tenant directory.

SIDEWALK shall mean a type of walkway paved with concrete or pavers.

SIDEWALK SIGN shall mean a movable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians. (Var: sandwich board, A-frame sign.)

SIDEYARD shall mean the placement of a building within the boundaries of its lot to create a private sideyard, with a setback to one side. Sideyard is a Building Type.

SIGHT TRIANGLE shall mean a triangular shaped area required on corner lots at the intersection of two streets including alleys that impact multi-modal traffic safety.

SIGN shall mean a structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from outside the building or structure shall not be considered a sign. Each display surface of a sign or sign face shall be a sign.

SIGN ADMINISTRATOR shall mean the officer appointed by the City Council with the authority to enforce this LDC. The Sign Administrator or designee shall review sign standards and applications. In the absence of designation by the City Council, the City Administrator shall serve as the sign manager. The term also includes any person designated to act on behalf of the Sign Administrator.

SIGN BAND shall mean the horizontal signage area on a valance or marquee.

SITE(S) shall mean the location of a significant event, a prehistoric or historic occupation or activity, building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, architectural, or archaeological value regardless of the value of any existing structure.

SITE PLAN shall mean the engineered or surveyed drawings depicting proposed development of land.

SKETCH DRAWING shall mean a preliminary design of a subdivision and/or development that illustrates the layout of rights-of-way, blocks, lots, easements, civic/open spaces, drainage, and land uses. A sketch drawing is preliminary in nature but provides enough detail to define the physical form of a subdivision and/or development to allow staff to provide relative feedback to an applicant. Review of a sketch drawing is not considered the filing of an original application or plan for development for purposes of Chapter 245 of the Texas Local Government Code.

SOIL CELL shall mean structures designed to be filled between the voids with soil and covered with pavement. Tree roots grow in the soil between the structural supports.

SQUARE shall mean a civic space designed for unstructured recreation and civic purposes, circumscribed by thoroughfares, spatially defined by building frontages, and consisting of paths and/or sidewalks, lawn and trees, formally lining the space.

STANDARD PROCEDURE shall mean the procedure to be followed for the approval of a subdivision when the land proposed to be subdivided.

STANDARDS shall mean the mandatory requirements or rules of this LDC.

STATE ANTIQUITIES LANDMARK shall mean a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called state "antiquities" landmarks, this designation can include buildings as well as archaeological sites. For a building to be designated as a State Antiquities Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Antiquities Landmark is subject to criminal, not civil, penalties.

STATE HISTORIC PRESERVATION OFFICE (SHPO) shall mean the State Office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The Executive Director of the Texas Historical Commission serves as SHPO for the State of Texas.

STORY shall mean a habitable level within a building, excluding an attic or raised basement.

STREET shall mean a local urban thoroughfare of low speed and low to moderate capacity.

STREET WIDTH shall mean the measurement from back-of-curb to back-of-curb.

STREET LINE shall mean the right-of-way line of a street.

STREET NETWORK PLAN shall mean the system of thoroughfares identifying the physical location of each thoroughfare and its Street Type.

STREET TREES shall mean any tree that is growing in the City right-of-way, whether in improved (between the sidewalk and the curb) or unimproved (no sidewalk and/or curb) right-of-way.

STREET TYPE shall mean a particular type of street and its characteristics, including right-of-way width, number and dimensions of elements, and the intended purpose of the street.

STRUCTURE shall mean anything constructed or erected, the use of that requires location on the ground, or that is attached to something having a location on the ground.

SUBDIVIDER shall mean the person, firm, partnership, association, corporation or other legal entity subdividing a piece of land to be sold or otherwise handled for their own personal gain or use.

SUBDIVISION shall mean the division of any lot, tract or parcel of land into 2 or more parts in order to lay out a subdivision of the tract, including an addition to the City, to lay out a neighborhood, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

SUBDIVISION IMPROVEMENT PLAN shall mean any project for the erection, construction, alteration, repair or improvement of any public structure, building, road, or other public improvement of any kind.

SWALE shall mean a low or slightly depressed area for drainage, usually vegetated.

TERMINATED VISTA shall mean a location at the axial conclusion of a Thoroughfare or Pedestrian way. A building located at a Terminated Vista, designated on a Neighborhood Plan, is required or recommended to be designed in response to the axis.

TEXAS DEPARTMENT OF TRANSPORTATION AND/OR TXDOT shall mean the state agency authorized by the State Legislature, or its successor agency, to regulate matters related to highway and road construction. (Note: When any TxDOT standard, "Item" regulation, definition, or other matter is referenced, utilized, or adopted herein, the City also specifically adopts by this note of reference, and shall automatically apply without further amendment to this LDC, the applicable successor TxDOT standard(s), "Item(s)", regulation(s), definition(s) or other matter(s), as amended by state law over time).

THOROUGHFARE shall mean a way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

UPLIGHTING shall mean lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

USE shall mean the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this LDC.

UTILITY, MAJOR shall mean public or quasi-public utility facilities less widely distributed than essential or limited utility facilities and of such a nature as to have an high degree of impact on adjoining properties. Typical uses include electrical generating plants, regional water and wastewater treatment plants, waste transfer stations, and sanitary landfills.

UTILITY, MINOR shall mean public or quasi-public utility facilities of such a nature as to have an intermediate impact on adjoining properties. Typical uses include electrical and natural gas substations, communication equipment exchanges, construction/demolition landfills, reservoirs and water tanks, and radio, television, and microwave transmission towers.

UTILITY, PRIVATE shall mean regulated enterprise, with or without a franchise, for providing needed service including but not limited to electric, natural gas, cable TV, and other communication systems, but not including cellular towers, that are not owned and operated by the city, county, state, federal government, or special utility district.

VALANCE shall mean the portion of an awning that hangs perpendicular to the sidewalk.

VILLAGE CENTER DEVELOPMENT OR VCD shall mean a development pattern structured by a pedestrian shed oriented toward a common destination such as a general store, meeting hall, schoolhouse, or church with dense P4 and P5 Place Types surrounded by Open Space. Vehicles are kept on the periphery and rear of the development.

WALKABILITY shall mean a measure of how easy it is to travel a place by walking. Walkable places are safe, comfortable, interesting, and have useful destinations.

WALKWAY shall mean the section of the public frontage dedicated exclusively to pedestrian activity.

WARRANT shall mean a ruling that would permit a practice that is not consistent with a specific provision of this LDC, but that is justified by its intent. Warrants are granted administratively by the Development Review Committee.

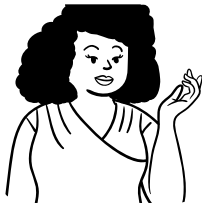
WINDOW SIGN shall mean a sign affixed to the interior or exterior of a window or placed within three feet of a window for the purpose of being visible from the exterior of the window. Merchandise displays shall not be considered window signs.

YARD SIGN shall mean a permanent freestanding sign in the private frontage, including a supporting post or posts.

Who can initiate the designation procedure for landmarks or districts?



City of Taylor

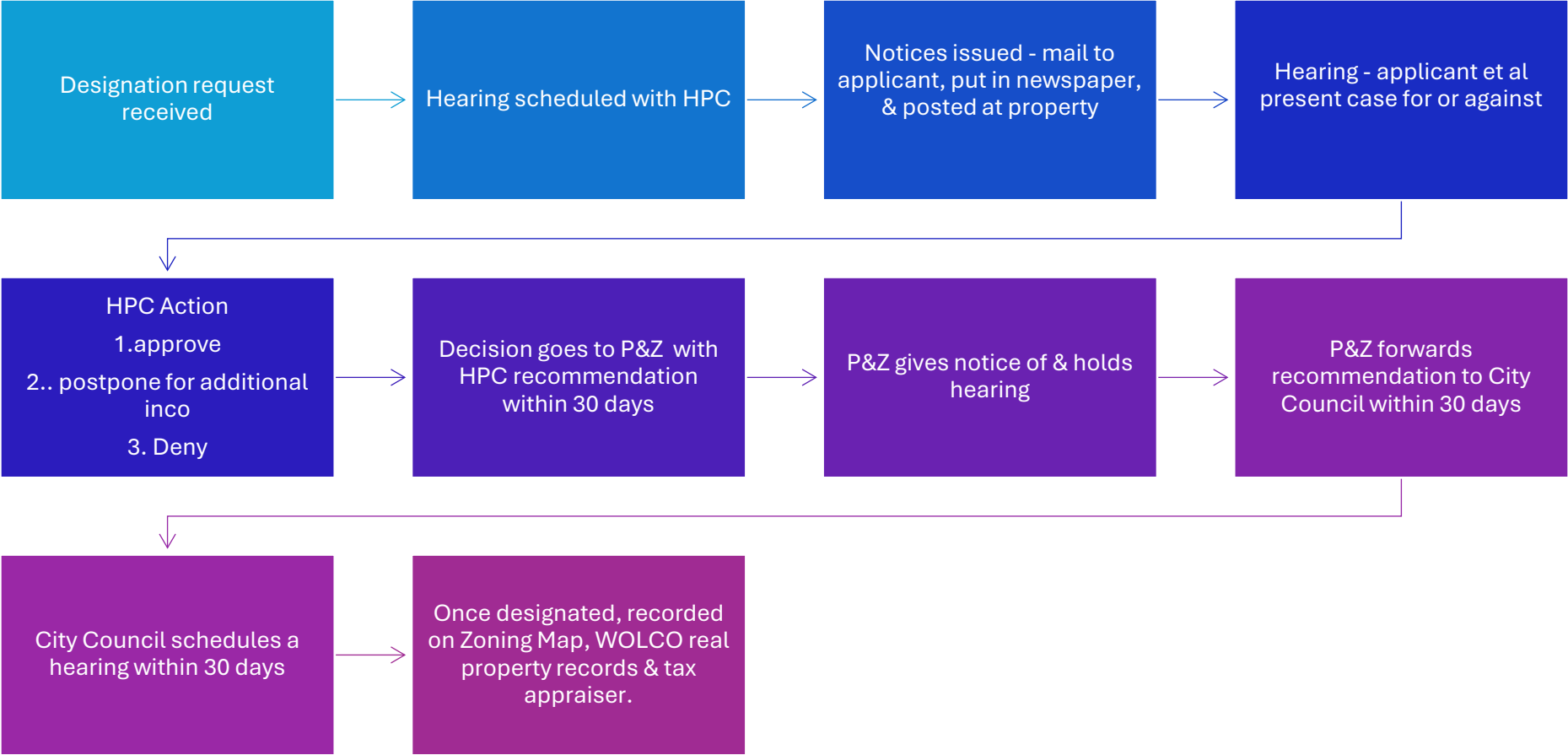


Individual property owner(s)

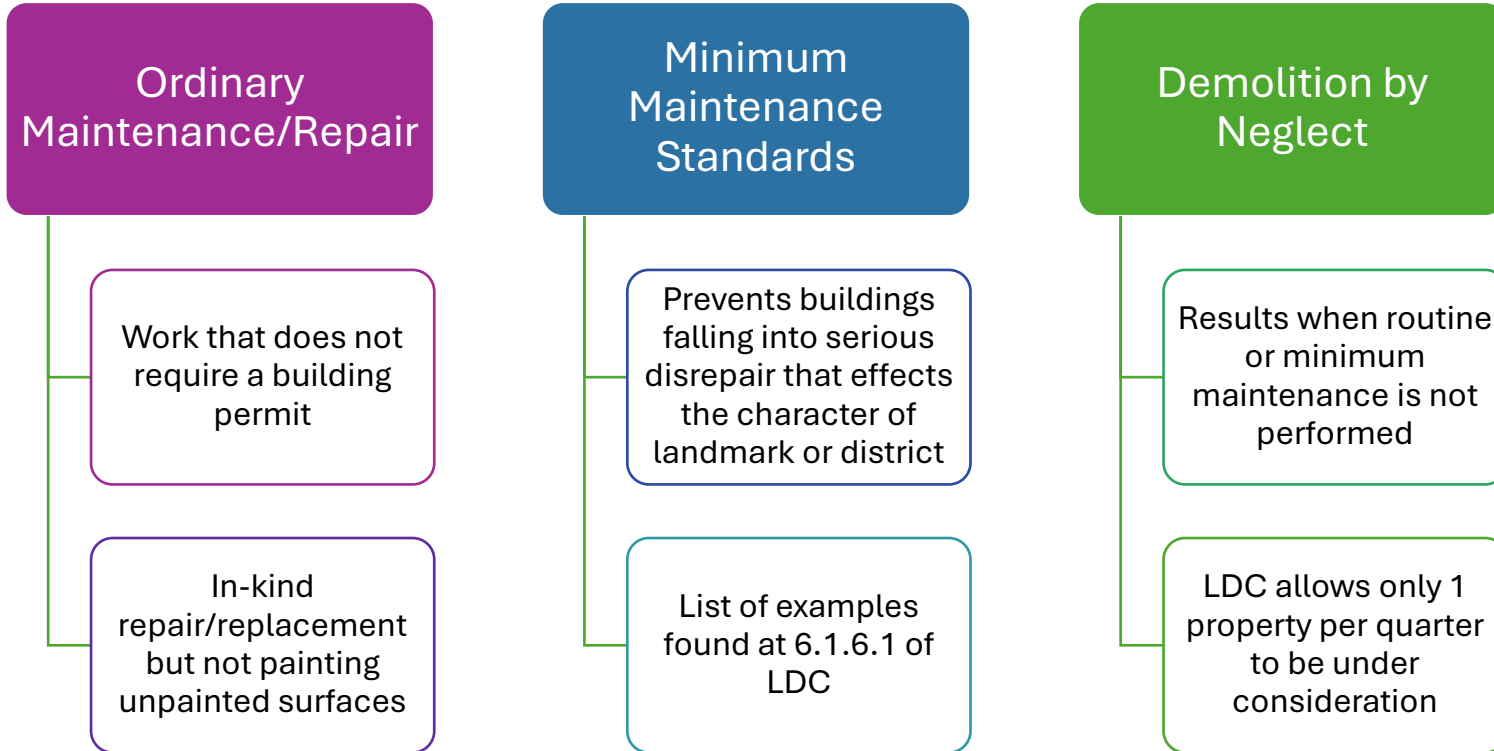


At least 20% of the residents of the potential district

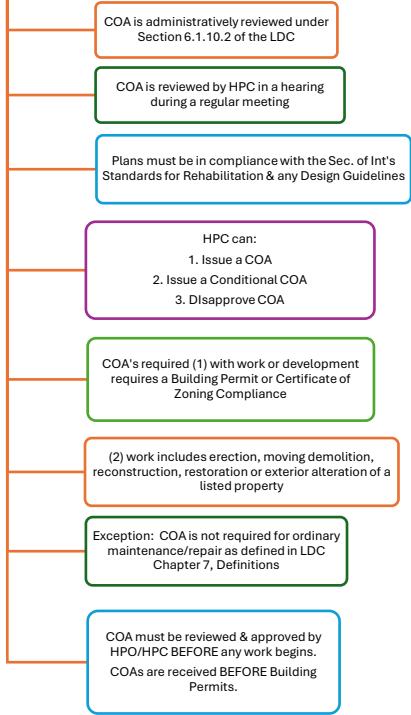
PROCEDURE FOR DESIGNATING A HISTORIC LANDMARK OR TO ESTABLISH/AMEND A LOCAL HISTORIC DISTRICT



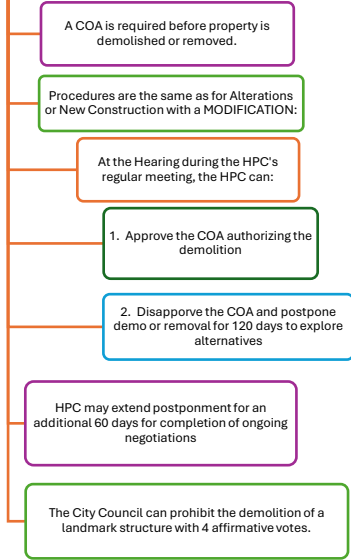
THREE LEVELS OF MAINTENANCE FOR LANDMARKS OR PROPERTIES WITHIN A LOCAL HISTORIC DISTRICT



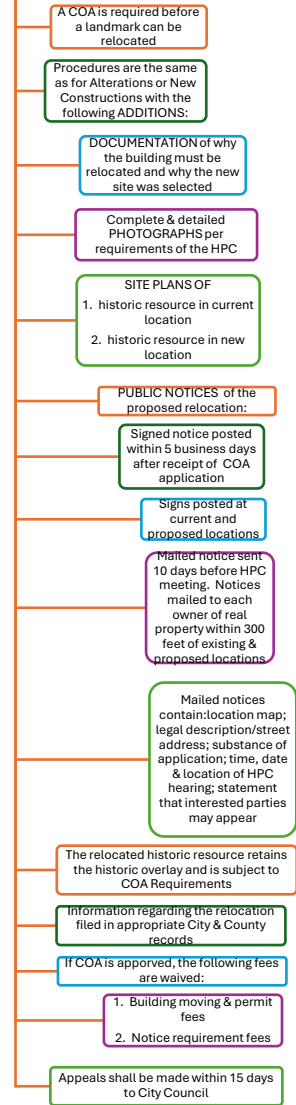
COA for Alterations or New Construction



COA for Demolition



COA for Relocation



PROCEDURE FOR CITING A PROPERTY OWNER FOR DEMOLITION BY NEGLECT

