

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCE TO RECODIFY HISTORIC PRESERVATION REGULATIONS FROM CHAPTER 22 (ENTITLED IN CHAPTER 118 (ENTITLED "ZONING") AND MAKING SUBSTANTIVE REVISIONS TO ESTABLISH THE POSITION OF HISTORIC PRESERVATION OFFICER TO ADMINISTER THE REGULATIONS AND ESTABLISHING A CERTIFICATE OF APPROPRIATENESS PERMIT FEE; MAKING REVISIONS TO CITY CODE CHAPTERS 2 (ENTITLED "ADMINISTRATION") AND CHAPTER 21 (ENTITLED "SIGNS") TO COMPORT WITH THE RECODIFICATION; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in furtherance of protecting its historic business district, its environs and other historic landmarks city council enacted historic preservation regulations by adoption of ordinance no. 2016-19, adopted August 9, 2019; and its predecessors Ord. No. 2012-27, §§ 2—18, adopted August 28, 2012; Ord. No. 2013-19, §§ 2—15, adopted November 12, 2013 and Ord. No. 2013-24, §§ 2—15, adopted January 14, 2014; and

WHEREAS, as the statutory authority for the adoption of the historic preservation regulations included Chapter 211 Texas Local Government Code City Council deems it convenient and efficient to recodify the text in Chapter 118 City Code; and

WHEREAS, city council determines it appropriate and necessary to substantively amend the historic preservation regulations by designating the city representative who administers the regulations as the historic preservation officer; further defining the historic preservation officer's authority and duties; establishing a Certificate of Appropriateness application fee; and providing a methodology to avoid delays caused by the historic board's inaction; and

WHEREAS, after a duly notice public hearing held on the first Monday of June, 2023, the Planning and Zoning commission made a recommendation to approve the Ordinance; and

WHEREAS, at a duly notice public hearing, held on a date contemporaneous with the first reading, city council received comments and testimony on the merits of this Ordinance; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 211 of the Texas Local Government Code and Chapter 551 of the Texas Government Code.

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

Section one. Code amendment. City Code Chapter 22 (entitled “buildings and building regulations”) Article X (entitled “historic preservation”) is hereby recodified and renumbered as Chapter 118 (entitled “zoning”) Article X (entitled “historic preservation”); and amended substantively by adding the text that is underlined (underlined) deleting the text that is stricken (~~stricken~~) as shown on the attachment hereto labeled “*Historic Preservation Code*”; said attachment being incorporated herein for all purposes.

Section two. Code amendment. City Code Chapter 2 (entitled “administration”), Article III (entitled “Appointed bodies”) Section 2-44 (entitled “*historic preservation board of directors*”) is hereby amended by adding the text that is underlined (underlined) deleting the text that is stricken (~~stricken~~) as follows:

Sec. 2-44. - Historic preservation board of directors.

The historic preservation board of directors is established and governed by Chapter 118, Article X, City Code ~~chapter 22, article X, division 2.~~

Section three. Code amendment. City Code Chapter 21 (entitled “signs”) Article III (entitled “zoning district regulations”) Section 21-25 (entitled “*signs in historic district*”) is hereby amended by adding the text that is underlined (underlined) deleting the text that is stricken (~~stricken~~) as follows:

Sec. 21-25. Signs in historic district.

All applications for construction, reconstruction, alteration, restoration, or rehabilitation of a sign for any historic landmark or any property within a historic district shall be considered and acted upon by the historic preservation officer in accordance with Chapter 118, Article X City Code. proposed signs in the historic overlay district shall be reviewed, by both city historical board and the planning and zoning commission prior to consideration by the city council.

Section three. Code amendment. City Code Chapter 21 (entitled “signs”) Article VIII (entitled “national branded signs”) Section 21-101 (entitled “*general*”) is hereby amended by adding the text that is underlined (underlined) deleting the text that is stricken (~~stricken~~) as follows:

Sec. 21-101. General.

Signs and sign plans utilized by national retail, commercial, and industrial outlets which do not meet the requirements of this section, may be permitted when, the city council

finds such signs are in conformance with the intent of this section and appropriate to the type of development or structure to which they are related. Signs requesting approval under this provision must meet the following requirements:

- (1) *Signage.* The trademark signs or sign formats or organization is generally standardized in cities nationally and redesign to comply with this section may detrimentally impact the nationally recognized company from locating in Burnet. The height of the sign shall conform with this section but the location, size and number may be approved to appear consistent with similar developments of the national chain.
- (2) *Permit approval.* Nationally branded signs, and/or planned unit developments, which do not conform to the regulations of this section may be granted approval by the city council after the planning and zoning commission has reviewed the sign(s) and site development plan. The planning and zoning commission shall make a recommendation to the city council for approval or denial based on their findings.
- (3) *Notification requirements.* Upon submittal of an application for a nationally branded signs exception, the city shall notify surrounding property owner in accordance with V.T.C.A., Local Government Code tit. 7, ch. 211.007.
- (4) *Historic district.* All applications for construction, reconstruction, alteration, restoration, or rehabilitation of a sign under this section for any historic landmark or any property within a historic district shall be considered and acted upon by the historic preservation officer in accordance with Chapter 118, Article X City Code. ~~All proposed signs requesting approval under this section within the historic overlay district shall be reviewed, by both the historical board and the planning and zoning commission prior to consideration by the city council.~~

Section five. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section six. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “*General Penalty*”).

Section seven. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “*Repealer*”) shall be controlling.

Section eight. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section nine. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

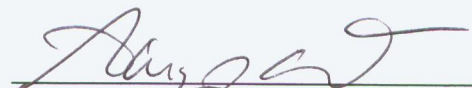
Section ten. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section eleven. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 13th day of June 2023.


Passed, Approved and Adopted on the 27th day of June 2023.

CITY OF BURNET

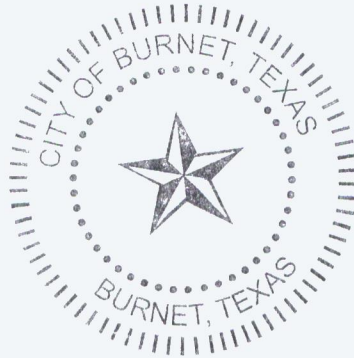


Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary



Historic Preservation Code

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ARTICLE X. HISTORIC PRESERVATION

Division 1. Title, Establishment, Goals, Purpose, and Funding

Sec. 118-231. Short title.

This article may be referred to as the “Historic Preservation Code”.

Sec. 118-232. Historic preservation program established.

The development and promotion of historic preservation is hereby established as a program and function of the city. The name of the organization and program is the "City of Burnet Historic Board".

Sec. 118-233. Goals and purposes.

The city council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and a district of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that areas of the city, including but not limited to the historic downtown area, represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This section is intended to:

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

Sec. 118-234. Funding.

The city may provide funding to the board as approved by the city council.

Division 2. Board of Directors and Historic Preservation Officer.

Sec. 118-235. Establishment, composition, and officers of the board.

- (a) There is hereby established a historic preservation board of directors (the "board).
- (b) The board shall consist of five members; one of which shall be a member of the city staff, one shall be a member of the city council, or a city staff member appointed in their stead, and three at-large members. The at-large members shall be appointed by the city council. For the initial terms, two at-large directors shall serve two-year terms and one shall serve a one-year term after which all terms for at-large members shall be two years. In the event a director leaves prior to the expiration of his/her term, the city council shall appoint a director to fill the un-expired term.
- (c) All at-large board members shall have a known and demonstrated interest or knowledge in historic preservation.
- (d) Officers of the board shall be the president, vice-president and secretary and shall be elected by and from the members of the board annually.
- (e) The board shall be subject to the city code of ethics.

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- (f) The board shall meet at least monthly if business is at hand. Special meetings may be called at any time by the president, city staff member, or on the written request of any two board members.
- (g) A quorum of the board is required for the transaction of business and shall consist of not less than a majority of the currently sitting membership of the board.
- (h) The president shall be the executive officer for the board. He/she shall preside at board meetings and, with the approval of the board, appoint committees, task forces, and chairmen; act as a liaison to the code enforcement office, planning and zoning commission and/or the city council as needed to do the business of the board; serve on board committees as requested by the board and deemed appropriate; sign official documents on behalf of the board; and perform other such duties as may pertain to the office. The president shall submit an annual activity and progress report to the city council.
- (i) The vice-president shall preside at all meetings in the case of the absence of the president; he/she shall possess all of the duties and responsibilities of the president in the event of absence, resignation, or death of the president.
- (j) The secretary shall record the minutes of all the meetings; assist the president in arrangement and notification of meetings, necessary correspondence, and reports; where required, co-sign with the president where required, any contracts or instruments designated by the board as pertaining to the business of the board; perform any other duties normally pertaining to the office as requested by the board.
- (k) Committee chairmen shall lead their committee members in the execution of those tasks assigned to them by the board as they pertain to the business of the board.
- (l) No person may be appointed to the board who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any other member of board or city council. In the event that city council adopts nepotism rules generally applicable to boards and commissions the board shall comply with either this subsection or such general nepotism rules whichever is stricter.
- (m) All board meetings shall comply with the Texas Open Meetings Act.

Sec. 118-236. Duties, functions, and jurisdiction of the Board.

The board's duties functions and jurisdiction shall be determined by city council and shall include the following:

- (1) Recommend to the city council, criteria for the designation of historical, architectural, and cultural landmarks and delineation of historic district(s) of the city.
- (2) Conduct survey's and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.
- (3) Recommend to city council, the designation of landmarks and historic districts.
- (4) Create committees from among its membership to carry out the purposes of this article.
- (5) Maintain written minutes which record all actions taken by the board.

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- (6) Recommend to city council, the conferral of recognition upon the owners of landmarks or properties within historic districts by means of certificates, plaques and/or markers.
- (7) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (8) Make recommendations to the city council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
- (9) Review applications for certificates of appropriateness as provided for herein.
- (10) Prepare and submit a report summarizing the work completed as requested by the city and/or city council.
- (11) Recommend specific guidelines that, upon approval by city council, shall be the basis for the review of landmarks and districts.
- (12) With prior approval of the city council, research, and report on the possible acquisition of landmark structures by the city where its preservation is essential to the purpose of this article and/or where private preservation is not feasible.
- (13) Upon direction by the city council, review offers of the donation of preservation easements and development rights for the purpose of historic preservation, for consideration by the city council.

Sec. 118-237. Historic Preservation Officer.

The city manager, or in the absence of the city manager the person acting in his or her stead, is authorized and directed to administer this article as the historic preservation officer. The city manager may delegate such duties, and the title of historic preservation officer, to an employee under his or her supervision.

Sec. 118-238 through 118-250 are reserved.

Division 3. Designation of Historic Districts and Landmarks.

Sec. 118-251. Designation of historic landmarks and historic districts, generally.

- (a) The designation of a historic district or landmark is a change of zoning classification, which, in addition to the requirements of this division, shall comply with applicable provisions of this chapter ~~118 of this Code and V.T.C.A., Chapter 211 Texas Local Government Code Ch. 211 as stated in subsection (e) and (f).~~
- (b) The agenda, for any board meeting where the designation of a historic district or landmark shall be considered, shall include an agenda item describing the matter that will be considered, in accordance with the Texas Open Meetings Act.
- (c) At any hearing on the proposed designation of a historic district or landmark the owners of properties, subject to the proposed designation, city staff, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
- (d) At the conclusion of a hearing on the proposed designation of a historic district or landmark, the board shall make a recommendation to the planning and zoning commission in favor or opposed to the proposed designation.
- (e) Upon receipt of the recommendation, the planning and zoning commission shall conduct a public hearing and make a recommendation to council in accordance with this chapter. ~~proceed with consideration of the proposed designation as a zoning case and in compliance with Chapter 118 of this Code and V.T.C.A., Local Government Code Ch. 211.~~
- (f) Upon receipt of a report from the planning and zoning commission, the city council shall conduct a public hearing and may take final action on the proposed designation in accordance with this chapter ~~by consideration of an ordinance after publication of notice and public hearing as required by Chapter 118 of this Code and V.T.C.A., Local Government Code Ch. 211.~~

Sec. 118-252. Designation of historic landmarks outside a historic district.

No property shall be considered by the board for designation as a historic landmark without the consent of the property owner(s) unless otherwise directed by the city council. For purposes of this article "property" shall mean any building, site, structure, or object that is deemed to meet the criteria for historical designation as provided for herein.

Sec. 118-253. Designation of historic landmarks within a historic district.

Any property located within a city designated historic district shall be eligible for designation as a historic landmark if it meets the criteria for historic landmark designation as provided for herein.

Sec. 118-254. Designation of historic districts.

- (a) These provisions pertaining to the designation of a historic district constitute a part of this Code.

- (b) The board may not take under consideration the historic designation of any area or district without the consent of the city council, which shall be memorialized by resolution or minute order considered and acted on in open session.

Sec. 118-255. Criteria for designation of historic landmarks and districts.

In order for a property to be designated a historic landmark or an area or district to be designated a historic district the city council, after consideration of the recommendations of the board and planning and zoning commission, shall proceed as follows:

- (a) City council must find that a property, area or district meets one or more of the criteria:
 - (1) Possesses significance in history, architecture, archeology, and culture; or
 - (2) Is associated with events that have made a significant contribution to local, regional, state, or national history; or
 - (3) Embodies the distinctive characteristics of a type, period, or method of construction, or section of the city; or
 - (4) Represents the work of a master designer, builder, or craftsman; or
 - (5) Represents a significant, established, and familiar visual feature of the city.
- (b) City council may reject a property for historic designation if it makes one or more of the findings that follows:
 - (1) The structure is in such condition that it is not a viable candidate for restoration; or
 - (2) Materials or craftsmen are no longer available or are prohibitive in cost; or
 - (3) The property cannot be adapted for any other use, whether by the current owner or by a purchaser; or
 - (4) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; or
 - (5) Peculiar and unusual circumstances would prevent the reasonable use of the property; or
 - (6) The historic qualities or character of the property cannot be ascertained or are not historically appropriate with the character of the historic district and/or other properties in its proximity.

Sec. 118-256 through 118-270 are reserved.

Division 4. Certificates of appropriateness.

Sec. 118-271. Certificate of appropriateness for alteration or new construction affecting landmarks or historic districts and sign permits.

- (a) Exterior alteration. Unless otherwise provided for herein, no person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any historic landmark, or any property within a historic district, nor shall any person make any material change in the light fixtures, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district without having been issued a certificate of appropriateness.
- (b) Signs. No person shall carry out any construction, reconstruction, alteration, restoration, or rehabilitation of a sign for any historic landmark or any property within a historic district without having been issued a sign permit, in lieu of a

certificate of appropriateness, from the city manager, or his/her designee ("city representative"). Requests for signs for any historic landmark or any property within a historic district shall be historically compatible in size, scale, color, material and complementary to the character of the property, neighborhood or environment of the property or historic district. The ~~city representative~~ historic preservation officer shall have decision making authority for all such signs. Property owners who disagree with the decision of the city representative may appeal as provided for herein.

- (c) Exceptions. The following matters are hereby exempted from this section:
- (1) Landscaping; and
 - (2) Sidewalks, streets, signs, paving, or other fixtures located within the public right-of-way and owned by any governmental entity; and
 - (3) Remodeling and other alterations to the interior of a structure that does not affect the exterior of such structure.

Sec. 118-272. Criteria for approval of a certificate of appropriateness.

In making a recommendation on an application for a certificate of appropriateness to the historic preservation officer the board shall be guided by the following:

- (a) Minimal alteration of the building, structure, object, or site and its environment are encouraged.
- (b) The removal or alteration of any historic material or distinctive architectural features should be avoided where possible.
- (c) Changes which may have taken place in the course of time and are significant evidence of the history and development of a building, structure, object, or site and its environment may have acquired significance in their own right. In this event, the board may apply the criteria for approval to the changes in addition to the original design of the structure.
- (d) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, object, or site shall be kept where possible.
- (e) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (f) Contemporary design for new construction, alterations and additions to existing properties shall not be discouraged when such alterations and additions are compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (g) In the event of a building in a historic district that has not been individually designated as a historic structure and the historic qualities or character cannot be ascertained or are not historically appropriate with the character of the historic district, the owner of such building may request a certificate of appropriateness, to that effect, from the historic preservation officer after recommendation by the board.

Sec. 118-273. Certification of appropriateness application procedure.

- (a) Unless otherwise provided for herein, prior to the commencement of any work requiring a certificate of appropriateness the property owner shall file an application for such a certificate with the city representative. The application shall contain:

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- (1) Name, address, telephone number of applicant, detailed description of proposed work.
 - (2) Location and photograph of the property and adjacent properties.
 - (3) Elevation drawings of the proposed changes, if available.
 - (4) Samples of materials to be used, if applicable.
 - (5) Any other information, which the board may deem necessary, in order to demonstrate the proposed work.
- (b) Upon receipt of an administratively complete application the historic preservation officer shall submit same to the board for consideration and recommendation. The board's review procedures shall be as follows:
- (1) The board shall convene as soon as practicable after the submission of the application;
 - (2) After a city staff report and testimony and comments from the applicant and members of the public the board shall deliberate and render a recommendation to the historic preservation officer.
 - (3) The recommendation shall be in writing and may be a recommendation for approval, denial, or approval with modifications.
- (c) Upon receipt of the board's recommendation the historic preservation officer shall either issue a certificate of appropriateness; or issue a certificate of appropriateness with modifications; or deny the application.
- (d) In the event the board fails to take action on the application within thirty days after it is deemed administratively complete, the historic preservation officer may take final action on the application without recommendation from the board.
- (e) An applicant aggrieved by a decision of the historic preservation officer may appeal the decision as provided herein.
- ~~(b) The city representative shall submit the application to the board for review and recommendation. The board shall review the application within 45 days from the date the application is received by the board, at which time an opportunity will be provided for the applicant to be heard. The board shall make recommendation for the approval, denial, or approval with modifications, of the permit within 15 days after the review meeting. In the event the board does not make such recommendation within 60 days of the receipt of the application, an application may be acted upon by the city representative.~~
- ~~(c) Except as provided for herein, no building permit for a historic landmark or property within a historic district shall be issued for proposed work until a certificate of appropriateness has first been issued. The certificate of appropriateness required by this article shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the city.~~
- ~~(d) The board shall state its recommendations pertaining to the approval, denial, or with modification of the application in writing. The recommendation shall be returned to the city representative for action.~~
- ~~(e) In the event an applicant for a certificate of appropriateness is dissatisfied with the action of the city representative, the applicant shall have the right to appeal as provided for herein.~~

Sec. 118-274. Certificate of appropriateness required for demolition.

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- (a) Except as provided for herein, a permit for the demolition of a historic landmark or property within a historic district, including secondary buildings, shall not be granted by any department of the city without a certificate of appropriateness.
- (b) The procedures for processing a demolition certificate of appropriateness are stated in Sec. 118-258(b) through (e).
- (c) When considering its recommendation for a certificate of appropriateness for demolition, the board shall take into consideration:
 - (1) If the structure is in such condition that it is not a reasonably viable candidate for restoration; or
 - (2) If materials or craftsmen are no longer available or are prohibitive in cost; or
 - (3) If the property cannot be adapted for any other use, whether by the current owner or by a purchaser; or
 - (4) If efforts to find a purchaser interested in acquiring the property and preserving it have failed; or
 - (5) If peculiar and unusual circumstances prevent the reasonable use of the property; or
 - (6) If the historic qualities or character of the property cannot be ascertained or are not historically appropriate with the character of the historic district and/or other properties in its proximity.
- (d) In making its recommendation to the historic preservation officer the board shall make written findings stating whether or not the six factors set out in the subsection immediately above are true or false with regards to the demolition application at issue. If any of the above criteria are applicable to the property, the board may issue a certificate of appropriateness for demolition.
- (e) Any structure built in the place of a demolished building shall meet the criteria herein for new construction and shall require a certificate of appropriateness.

Sec. 118-275 through 118-280 are reserved.

Division 5. Administration and enforcement.

Sec. 118-281. Demolition by neglect.

- (a) No owner or person with an interest in real property designated as a historic landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the board, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
- (b) In the event the board makes a recommendation of demolition by neglect of a property to the ~~city representative~~ historic preservation officer, ~~the city representative may take action as provided for in this Code for any deteriorating structure.~~
- (c) Examples of such deterioration include:
 - (1) Deterioration of exterior walls or other vertical supports.
 - (2) Deterioration of roof or other horizontal members.
 - (3) Deterioration of exterior chimneys.

- (4) Deterioration or crumbling of exterior stucco or mortar.
- (5) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
- (d) The historic preservation officer, on his or her own initiative, or upon receipt of a finding by the board may file a criminal complaint in the Burnet municipal court and request the city manager initiate demolition by neglect civil proceedings in accordance with this code and applicable state statutes.

Sec. 118-282. Appeals.

Any certificate of appropriateness or sign permit applicant aggrieved by a decision of the historic preservation officer may appeal the decision to the board of adjustment as provided in Section 211.010(a-1), (b), (c) and (d) Texas Local Government Code.

~~An applicant for a certificate of appropriateness or a sign permit, dissatisfied with the action of the city representative relating to the certificate of appropriateness or sign permit, shall have the right to appeal to the board of adjustment, within 90 days after receipt of notification of such action. The board of adjustment shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in section 118-74.~~

Sec. 118-283. Enforcement.

All work performed under a building permit issued pursuant to a certificate of appropriateness shall conform to any requirements included therein. It shall be the duty of the city representative to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness or upon notification of such fact by the board and verification by the city representative, the city representative shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect.

Sec. 118-284. Ordinary maintenance.

Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district which does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

Sec. 118-285. Bylaws.

Any and all by-laws enacted to date shall be repealed.