

ORDINANCE NO. 02004-01-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HILLSBORO, TEXAS, CREATING A NEW CHAPTER IN THE CODE OF ORDINANCES OF THE CITY OF HILLSBORO, TEXAS, TO BE TITLED "HISTORIC DISTRICTS AND LANDMARKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF THE HILLSBORO PRESERVATION COMMISSION; PROVIDING FOR THE DESIGNATION OF LANDMARKS AND HISTORICAL DISTRICTS; CREATING THE REQUIREMENT OF OBTAINING A CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR ENFORCEMENT THEREOF; PROVIDING FOR TAX INCENTIVES; CONTAINING A PENALTY CLAUSE FOR VIOLATIONS OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Section 211.001 et. sec. of the Texas Local Government Code authorizes the City Council to protect and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Section 211.001 et. sec. of the Texas Local Government Code authorizes the City Council to regulate and restrict the construction, reconstruction, alteration, or razing of buildings or other structures to maintain and protect heritage and property values in designated places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, the City Council of the City of Hillsboro recognizes the need to regulate construction, reconstruction, alteration, or razing of buildings or other structures to maintain and protect heritage and property values within designated areas of the City of Hillsboro; and

WHEREAS, the City Council of the City of Hillsboro has determined that it would be in the best interest of the citizens of the City of Hillsboro to enact such regulation; and

WHEREAS, public hearings in relation thereto, at which parties in interest and citizens had an opportunity to be heard, were held by the City Council on the 16th of December 2003 and the 6th of January 2004, after due notice in the manner provided by law;

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

This ordinance and chapter of the Code of Ordinances of the City of Hillsboro is hereby designated and shall be known and referred to as the "Historic Districts and Landmarks" chapter of said Code.

Section 1 **PURPOSE**

The City Council of the City of Hillsboro hereby declares that the protection, enhancement and perpetuation of districts and landmarks of historical, cultural and architectural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. The City Council recognizes that the historical resources of the City of Hillsboro represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually and these resources constitute the heritage of the Citizens of Hillsboro. This ordinance is intended:

- (A) to perpetuate, protect, enhance and preserve the historic districts and landmarks which represent distinctive elements of Hillsboro's historic, architectural, social, economic, ethnic and political heritage and to develop appropriate settings for such places;
- (B) to safeguard the City's historic, cultural and architectural heritage, as embodied and reflected in such historic landmarks, by the application of established, procedures;
- (C) to protect and enhance the attractiveness of the City to home buyers, tourists, visitors, and shoppers, and thereby support and promote business, commerce, and industry, bringing economic benefit to the City and its' citizenry;
- (D) to foster and encourage preservation, restoration and rehabilitation of structures, areas and neighborhoods thereby preventing future urban blight;
- (E) to stabilize and improve property values in affected locations;
- (F) to foster civic pride in the beauty and accomplishments of the past and to promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the City of Hillsboro;
- (G) to strengthen the economy of the City and to protect and enhance the City's attractions to tourists and visitors, as well as provide support and stimulus to business and industry;
- (H) to provide assistance to property owners and tenants as well as civic organizations concerned with historical preservation. To offer assistance to interested property owners with regard to preservation and renovation projects, i.e. tax incentives, low interest loans, design, construction, and pre-inspection consultations.
- (I) to receive Historic District designation from the State of Texas.

- (J) to balance the rights of the public which justify preservation of our history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets, consistent with the police power of the City of Hillsboro as established and recognized in Texas jurisprudence.
- (K) to insure the mapping and designation of historic districts and historic landmarks effectively includes and protects all historically significant structures, without the degree of certainty and precision which would require actual surveys of the parcels. The City Council determines that the cost of the actual surveys exceeds any relative benefit to the owners or the community.

Section 2 DEFINITIONS

For the purpose of this ordinance, the following terms and phrases shall have the meaning ascribed to them in this section, with the exception of where the context clearly and unambiguously indicates a different meaning.

ALTERATION:

Any act or process which changes one (1) or more exterior architectural features of a structure designated for preservation as a Landmark or of any structure in a district designated for preservation as a Historic District.

CERTIFICATE

A Certificate of Appropriateness.

CERTIFICATE OF APPROPRIATENESS:

A certificate from the Hillsboro Preservation Commission authorizing plans for alteration, construction, removal or demolition of a landmark or an improvement within a historic district. The term "Certificate of Appropriateness" shall be synonymous with "Notice to Proceed".

CITY

The City of Hillsboro, Texas.

COMMISSION:

The Hillsboro Preservation Commission.

CONSTRUCTION:

The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

DEMOLITION:

Any act or process that destroys in part or in whole a landmark or a structure within a historic district.

EXTERIOR ARCHITECTURAL FEATURE:

The architectural style, design, general arrangement and components of all of the outer surfaces of an "improvement", as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such "improvement".

HISTORIC DISTRICT:

Any area designated as a "Historic District" by the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures which have a special character or special historic interest or value, representing one (1) or more periods or styles of architecture typical of one (1) or more eras in history of the City and causes such area, by reason of such factors, to constitute a distinct section of the City.

IMPROVEMENT:

Any building, structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment to real property; including any part of such betterment.

LANDMARK:

Any "improvement" which has a special character and/or special historical interest or value as a part of the development of the heritage or cultural characteristics of the City, State or Nation and which has been designated as a "Historic Landmark", pursuant to the provisions of this Ordinance.

PERSON:

An individual, firm, partnership, association, corporation, joint venture, company or organization of any kind.

PRINCIPAL IMPROVEMENT OR BUILDING:

Primary building or other structure designated as a "Historic Landmark" or within a "Historic District" on a single piece of property.

REMOVAL:

Any relocation of a structure on its site or to another site.

SITE:

Any parcel of land located within the city limits of the City of Hillsboro, Texas, which is considered to be historically significant by the members of the Hillsboro Preservation Commission.

STRUCTURE:

Any man-made object constructed or erected upon real property. Anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings.

Section 3 ADOPTED

For the purposes of this Ordinance, Chapter 211 of the Local Government Code, including any amendments thereto now or hereinafter enacted, is hereby adopted by reference as though set out at length herein.

Section 4 HILLSBORO PRESERVATION COMMISSION: CREATION, MEMBERSHIP, TERM OF OFFICE, AND MEETINGS.

A) CREATION:

There is hereby created a commission to be known as the "Hillsboro Preservation Commission."

B) COMPOSITION AND APPOINTMENT OF MEMBERS:

The Commission shall be composed of seven (7) members, appointed to serve "at-will" by the City Council. All appointed members shall have knowledge in the field of history, art, architecture or real estate planning and development, and must demonstrate an interest, competence, or knowledge in historical preservation. In addition, to the extent possible, the Commission shall be comprised of members appointed from the following categories: a licensed real estate broker or local building contractor; a member of the Hill County Historical Commission; a member of the Chamber of Commerce staff; a member from the Hillsboro Heritage League Board of Directors; two (2) members should be property owners within the Central Business District; and one (1) member should be a property owner at large.

All Appointees shall meet the qualifications for appointment as adopted in the City of Hillsboro Board, Commission, and Committee Policies including an orientation/training workshop and oath of office prescribed by the City Council prior to taking office. Appointments will be made at the first regular City Council meeting in January. To preserve continuity of experience, four appointments will be made in even numbered years and three appointments in odd-numbered years. Each appointment shall be for two years with appointees allowed to serve a maximum of three consecutive full terms on the Commission. In the event of a vacancy, the City Council shall appoint a member to serve the remainder of their predecessor's unexpired term. Ex-officio members of the Commission shall include: the City Manager or his designee; the Hillsboro Main Street Manager, a member of the Planning and Zoning Commission; and the City Building Inspector. Commission members may be removed by an affirmative majority vote of the entire City Council.

(C)Appointment of a Heritage Preservation Officer. The City Manager shall provide for the appointment of a qualified city staff person to serve as the Heritage Preservation Officer. The Heritage Preservation Officer shall administer this ordinance and advise the Heritage Preservation Commission on matters submitted to the Commission. In addition to serving as a representative of the Heritage Preservation Commission, the Heritage Preservation Officer is responsible for coordinating the city's heritage preservation activities with those of local, state, and federal agencies and with local, state, and national non-profit preservation organizations, as well as other municipal

departments and the general public. The Heritage Preservation Officer shall maintain the Historic Preservation Plan, listing of historic landmarks, maps designating areas as historic districts, and historic information and shall update such information from time to time, as necessary.

(D) OFFICERS

The Hillsboro Preservation Commission shall elect from its membership a chairman, vice-chairman and secretary. The officers shall be elected annually, at the first meeting of each calendar year. The term of office shall be one year and no officer shall serve more than three full, consecutive terms in a single position. Officers may be removed from their office, but not the committee, by a simple affirmative majority vote of a quorum of the Commission.

(E) MEETINGS

The Hillsboro Preservation Commission shall schedule monthly meetings. The Commission shall determine the time and location for meetings. Special meetings may be called by the Chairman or a majority of the body shall have authority to call a meeting of the Commission. All meetings shall be in conformance with the Texas Open Meetings Act, Texas Civil Statute, Article 6252-17. A proposed agenda must be submitted to the city secretary 96 hours before the scheduled date and time of the meeting. Meetings shall be posted at the city administration building with notice of meeting to be sent to the City's newspaper of record. The latest edition of Robert's Rules of Order shall govern meeting conduct.

(F) COMPENSATION

All members of the Hillsboro Preservation Commission shall serve without compensation, but could be reimbursed for expenses incurred in the performance of their duties as members of the board, when specifically authorized by the City Council. Appointees shall be required, at the City's expense, to complete any additional training required by any governing statutes, regulations, ordinances, or resolutions.

(G) QUORUM

At least four (4) members of the Hillsboro Preservation Commission shall constitute a quorum for the transaction of business.

(H) RECORD KEEPING

All correspondence, appeals, complaints, surveys, inventories, lists and other materials pertaining to the business of the Hillsboro Preservation Commission shall be maintained in the offices of the City of Hillsboro and shall be the property of the City of Hillsboro.

Section 5 GENERAL DUTIES

The following general duties are herein assigned to the Hillsboro Preservation Commission:

- (A) preparing rules and procedures necessary to carry out the business of the Commission;

- (B) developing and revising criteria for the designation of historic, architectural and cultural landmarks;
- (C) developing and revising criteria for the designation of historic districts;
- (D) conducting surveys and maintaining an inventory of significant historic, architectural and cultural landmarks;
- (E) recommending to the City Council designation of resources as historic landmarks and historic districts;
- (F) approving or denying applications for Certificates of Appropriateness;
- (G) maintaining written minutes which record all actions taken by the Hillsboro Preservation Commission;
- (H) recommending conferral of recognition upon owners of landmarks by certificates, plaques or markers;
- (I) increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs;
- (J) providing recommendations to City Council concerning the utilization of state, federal and private funds to promote the preservation of landmarks and historic districts within the City of Hillsboro;
- (K) preparing specific guidelines for review of landmarks and districts;
- (L) submitting recommendations on any rules, regulations or ordinances pertaining to the historic, architectural and cultural growth of the City of Hillsboro; and
- (M) investigating, reviewing and reporting on any matter which may be referred by the City Council.

Section 6 DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

(A) Designation

Any proposal to designate a historic landmark or area as an historic district shall be reviewed by the Hillsboro Preservation Commission. The Commission shall recommend to the City Council designation of resources as historic landmarks and areas as historic districts and the public rights of way in and surrounding them, by adopting zoning overlay districts designated as "H" on the City's official zoning maps pursuant to procedures incorporated into the City's zoning ordinance.

The City Council will have full authority to designate resources as historic landmarks and areas as historic districts, define or alter the boundaries of such districts, and remove the designation of such historic landmarks or areas as historic districts. All persons owning, leasing, or otherwise transacting business concerning any building, structure, or land located in whole or in part in such districts will have constructive legal notice of the character and limitations upon such property, and of the provisions of this ordinance. In accordance with Texas Law, no city official acting independently of the Hillsboro preservation commission, or the city council in official session shall have any authority to determine, waive, or modify any provision of this ordinance or its application to any building, structure, or land.

The boundaries of each historic district and listing of each historic landmark designated henceforth shall be specified in detail and shall be filed, in writing, with the appointed preservation officer and be maintained for public review in the offices of the City of Hillsboro and shall be the property of the City of Hillsboro.

(B) Designation criteria

Prior to recommending to the City Council designation of resources as historic landmarks and areas as historic districts, the Hillsboro preservation Commission shall hold a public hearing and provide notice as stipulated herein. At the public hearing, any interested parties may present testimony or documentary evidence relating to the proposed designation. A historic landmark or historic district may be designated if it meets any of the following criteria:

- (1) possesses significance in history, architecture, archeology or culture to the city, state or nation;
- (2) is associated with events that have made a significant contribution to the broad patterns of local, regional, state or national history;
- (3) is associated with the lives of persons significant in our past;
- (4) embodies distinctive characteristics of a type, period or method of construction;
- (5) represents the work of a master designer, builder or craftsman;
- (6) or represents an established and familiar visual feature of the City of Hillsboro.
- (7) is the location of a significant historic event.

(C) Methods of Designation

- (1) Property Owner Requests (residential and commercial). **A residential property may be designated only upon the request of the property owner.**

Upon request by a property owner and recommendation by the Hillsboro Preservation Commission, the City Council may designate, by zoning ordinance, certain buildings, sites, structures, and objects as Historic Landmarks. Such Historic Landmarks shall bear the letter "H" and be noted on the City's official zoning map. In no event shall a residential or commercial property be designated a historic landmark without the consent of the property owner.

- (2) Hillsboro Preservation Commission Recommendations for Individual Historic Landmarks (Non-residential). The Commission may recommend a building, site, or structure to the City Council for the purpose of designating it as a historic landmark. Owners of said property shall be notified prior to the Commission's hearing. At the aforementioned public hearing, owners and other interested parties may present testimony of documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark. Property owners, residential or commercial, may exclude their property from historic landmark designation by written notice to the commission within ten (10) days of the commission's notification to designate.
- (3) Hillsboro Preservation Commission Recommendations for Historic Districts. The commission shall recommend to the City Council those areas which it determines should be included in an historic district. In making this recommendation, the Preservation Commission shall consider the criteria in section 6.B and provide a map showing the boundaries of the proposed historic district or districts to the city council.

The designation as a Historic landmark or Historic District does not necessarily impose the obligation on the property owner to improve, alter, or change a property. However, owners of designated property shall comply with the provisions of this ordinance and all other city ordinances.

(D) Process for Designation.

- (1) The Hillsboro Preservation Commission shall make its recommendation on the proposed Historic Landmark or Historic District to the City Council within (30) days from the date of submittal of a designation request.
- (2) The Hillsboro Preservation Commission shall give published and mailed notice to owners of real property in the area and those within two hundred (200) feet of the proposed historic district and site or building of a proposed historic landmark, such notice to be given, not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation in the City of Hillsboro. The Hillsboro preservation commission shall conduct its

public hearing and make its own recommendations to the City Council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Hillsboro.

- (3) The City Council shall give published and mailed notice, hold public hearings and make its determination in the same manner as provided in the general zoning ordinance of the City of Hillsboro. The City Council shall not amend, supplement, change, or modify or repeal any regulation, restriction, or boundary or approve a certificate of appropriateness where a protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots or land immediately adjoining the same and extending two hundred (200) feet there from, except by the favorable vote of at least five (5) members of the City Council.
- E. Removal of Historic Landmark Designation. The owner of an historic landmark may request the removal of the designation of the property as an historic landmark by filing with the Hillsboro Preservation Commission an application for removal of the designation. The application for removal of designation shall be supported by evidence that the application cannot realize a reasonable rate of return on the value of the property and will suffer unreasonable economic hardship if the designation as an historic landmark is not removed or that other unusual and compelling circumstances justify the removal of the designation. The application shall also contain information pertaining the future use and disposition of the designation historic landmark. In making its recommendation to the City Council, the Hillsboro Preservation Commission shall balance the historic, architectural, cultural and/or archaeological value of the existing historic landmark against the merits of removing the landmark designation.
- F. Modification of Historic District Boundaries. Any proposal to modify the boundaries of a designated historic district, either adding area to the district or removing area from the district, shall be treated in the same manner as an original proposal to designate the area proposed to be added and/or removed as an historic district.

Section 7 CERTIFICATES OF APPROPRIATENESS FOR ALTERATION OR NEW CONSTRUCTION AFFECTING HISTORIC LANDMARKS OR HISTORIC DISTRICTS.

No person shall carry out any exterior alteration, restoration, demolition, reconstruction, new construction or relocation of a landmark, or property within a historic district, or make changes in the exterior appearance of such property, visible from a public right-of-way (excluding Minor In-Kind Repairs and Ordinary Maintenance as described in Section 15) which affects the appearance and cohesiveness of the historic landmark or district, without first applying for a Certificate of Appropriateness from the Commission. The Commission shall have the authority to review all applications for a Certificate of Appropriateness and

shall issue or decline to issue the Certificate after conducting a public hearing and providing notice as stipulated herein.

Section 8 CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS

In consideration of an application for a Certificate of Appropriateness, the Commission shall be guided by adopted design guidelines, and the guidelines shall follow the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, excluding landscaping and interior alterations, as now or hereinafter amended. The guidelines will be applied in a reasonable manner, taking into consideration economic and technical feasibility.

Section 9 CERTIFICATES OF APPROPRIATENESS APPLICATION PROCEDURE

Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner or person in control of the property shall file an application for such certificate with the Hillsboro Preservation Commission. The Commission shall, upon request, aid the applicant in preparation and completion of the application. An application for a Certificate of Appropriateness shall contain the following information:

- (A) name, address, and telephone number of the applicant;
- (B) a detailed description of the proposed work;
- (C) address and photograph of the property and adjacent properties;
- (D) drawings of the proposed changes;
- (E) information on the materials to be used and, if possible, samples of the materials to be used;
- (F) if the proposal includes signs or lettering, the following information must be provided: a scale drawing showing the type of lettering to be used, the proposed dimensions and colors, a description of materials to be used, a plan showing the signs proposed location on the property; and the method of illumination, if any;
- (G) a site plan, if site modifications are requested; and
- (H) any other relevant information requested by the Commission in order to visualize the proposed work.

Section 10 PUBLIC HEARING AND NOTIFICATION REQUIREMENTS

- (A) PUBLIC HEARING

Prior to recommending the designation of a historic landmark, historic district, or consideration of an application for a Certificate of Appropriateness, a public hearing in relation thereto shall be held by the Hillsboro Preservation Commission. At the public hearing, all parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Hillsboro.

(B) WRITTEN NOTICE

Written notice of all public hearings before the Hillsboro Preservation Commission on consideration of the designation of a historic landmark, historic district, or an application for a Certificates of Appropriateness shall be sent to owners of the real property under consideration and property owners lying within two hundred (200) feet of the property for which the action is proposed. Written notice shall be tendered not less than ten (10) days prior to the hearing and shall include such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll.

Section 11 ACTION BY HILLSBORO PRESERVATION COMMISSION

The Commission shall consider and take action on all completed applications for a Certificate of Appropriateness within thirty (30) days from receipt of the application. No action shall be taken on the designation of a historic landmark, historic district, or consideration of an application for a Certificate of Appropriateness until the public hearing and notification requirements of this ordinance are complied with.

Section 12 HISTORICAL MARKERS

The Hillsboro Preservation Commission shall be responsible for determining the material, size, shape, color and design of historical markers for historic landmarks and historic districts designated by the Commission.

Section 13 ENFORCEMENT

(A) BUILDING PERMIT

In the event a Certificate of Appropriateness is required under the terms of this ordinance, no building permit shall be issued until the Certificate of Appropriateness has been issued. The Certificate of Appropriateness shall be in addition to and not in lieu of any building permit required by the City of Hillsboro.

(B) VIOLATION AND PENALTY

Any person who violates any provision of this Ordinance shall, upon conviction, be deemed guilty of a misdemeanor and subject to a fine in a

sum not to exceed five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.

(C) INSPECTION

All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to all requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event work is being performed which is not in accordance with the Certificate of Appropriateness, the Building Inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project until the stop work order is retracted. In the event a Certificate holder disagrees with the findings of the Building Inspector as to compliance with a Certificate of Appropriateness, the Certificate holder may request review by the Hillsboro Preservation Commission. The Commission must consider the issue as soon as practicable, after providing the notification designated in Section 10 of this ordinance.

Section 14 APPEALS

Any person aggrieved by any action of the Hillsboro Preservation Commission may, within fifteen (15) days of the receipt of the decision, file with the City Secretary a written request for review of the decision by the City Council. The City Council shall review the matter at the next meeting, subject to compliance with statutory notice requirements, and the City Council's determination will be binding.

Section 15 ORDINARY MAINTENANCE AND MINOR IN-KIND REPAIRS

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and in-kind repair or replacement of any exterior architectural feature of a historic landmark or property within a historic district, which does not involve a change in design, material, similar color scheme or outward appearance visible from a public right of way. Minor in-kind repairs and ordinary maintenance do not require a certificate of appropriateness. The City Building Inspector shall be authorized to issue a stop work order if the owner's planned activity exceeds ordinary maintenance and repair.

Section 16 TAX INCENTIVES

The purpose of this section is to encourage historic preservation by providing tax incentives for the renovation and rehabilitation of properties, which are within a historic district or designated as landmarks.

(A) CRITERIA

In accordance with Section 11.24 of the Texas Tax Code, the owner of a building or structure may apply to the City Council for a tax exemption if the following criteria are met:

1. the building or structure is designated as a historic landmark or located within a historic district; and
2. the site has been designated as a historically significant site in need of tax relief to encourage its preservation; and
3. the building or structure has been substantially rehabilitated and/or restored as authorized by the Hillsboro Preservation Commission.

(B) AVAILABLE TAX INCENTIVES

The period of tax abatement for a building or structure may run concurrently. Property owners with more than one historic landmark or structure within a historic district may be eligible for multiple abatements. Eligible projects that meet the established criteria shall be entitled to the following municipal tax incentives:

1. the appraised increase in value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of three (3) years when the property owners expend \$5,000 - \$10,000 on an eligible project;
2. the appraised increase in value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of five (5) years when the property owners expend \$10,000 - \$15,000 on an eligible project;
3. the appraised increase in value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for a period of seven (7) years when the property owners expend \$15,000 - \$20,000 on an eligible project;
4. the appraised increase in value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of ten (10) years when the property owners expend \$20,000 or more on an eligible project;

(C) ELIGIBLE IMPROVEMENTS

Eligible improvements shall consist of all improvements and work performed on a building or structure; classified as historic landmark or located within a historic district, which are completed pursuant to a Certificate of Appropriateness.

(D) APPLICATION FOR TAX INCENTIVE

An Application for Tax Incentive shall be filed with the Hillsboro Preservation Commission. In the event the Application for Tax Incentive is received and the Hillsboro Preservation Commission deems the improvements to qualify as eligible improvements under the terms set forth herein, the Hillsboro Preservation Commission shall approve the Application for Tax Incentive and tender the application to the Hillsboro City Council for final approval. The Application for Tax Incentive may be processed concurrently with the application for a Certificate of Appropriateness. Each application shall be signed by the owner of the property and shall include the following:

1. the legal description and address of the property;
2. proof of ownership of the property;
3. a written statement of the owner describing the historic, cultural, architectural or archeological significance of the structure in need of municipal tax relief to encourage its preservation;
4. proof that the taxes on the property are not delinquent; and
5. a statement of costs for the project that must be validated upon conclusion of the project by the City Building Inspector.

(E) CITY COUNCIL REVIEW

Upon the approval of an Application for Tax Incentive by the Hillsboro Preservation Commission, the City Council shall consider the application to determine its compliance with the requisites stated herein. In the event the application is deemed in compliance, the owner of the property shall be entitled to the tax relief. The property owner will be responsible for obtaining a copy of the documentation noting the City Council's approval of the application and tendering that information to the Hill County Appraisal District for processing.

(F) REMOVAL OF TAX INCENTIVE

The Hillsboro Preservation Commission shall review annually all those properties, which have been granted tax incentives. If, in the opinion of the Commission, a property which has been granted tax incentives under the terms of this ordinance is no longer being maintained in an acceptable state of repair, the Commission shall instruct the City Building inspector to evaluate the condition of the building. Following a review of the condition of the building, the City Building Inspector shall submit a report to the Commission detailing the condition of the building. The Hillsboro

Preservation Commission shall then determine whether or not to recommend to the City Council termination of the tax incentives. Upon recommendation by the Commission, the City Council may terminate the tax incentive program established under the provisions of this ordinance for buildings, which fall into a state of disrepair.

Section 17 DEMOLITION PERMIT

Prior to the demolition or relocation of any historic landmark or property within a historic district, the owner shall obtain a Certificate of Appropriateness from the Hillsboro Preservation Commission. The Building Inspector shall not grant a permit for demolition until the Commission has approved the Certificate of Appropriateness.

Section 18 REVIEW CLAUSE

The City Council shall review this ordinance three years after adoption, six years after adoption, and again eleven years after adoption. After reviewing the ordinance, the City Council may adopt a resolution to extend the ordinance until the next designated review, a copy of which shall be attached to the original ordinance. If a resolution extending the ordinance past the eleventh year is adopted after the third review period, no further reviews shall be necessary.

Any changes to or action to rescind the ordinance shall be enacted by ordinance in accordance with the provisions of the Charter of the City of Hillsboro, Texas.

Section 19 SAVINGS CLAUSE

If any provision, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is held to be unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intention of the City Council of the City of Hillsboro in adopting this ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision or regulation. To the extent any prior ordinance of the City of Hillsboro (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence, or paragraph is hereby repealed.

Section 20 EFFECTIVE DATE

This ordinance shall take effect upon passage and after publication, in a newspaper of general circulation in the City of Hillsboro, in accordance with the provisions of the laws of the State of Texas and the Charter of the City of Hillsboro, Texas.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council of the City of Hillsboro, Texas on the 6th day of January, 2004.



Will Lowrance, Mayor

ATTEST:



Betty L. Harrell, City Secretary

O2004-01-01 Published 01-12-2004

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