
Historic Preservation Ordinance

Summary of Proposed Revisions

June 26, 2015



PLANNING &
DEVELOPMENT
DEPARTMENT

Following is a summary of the proposed changes in the public comment draft dated June 26, 2015 and the corresponding page numbers where the exact language may be found:

- **Create a pathway for the creation of Design Guidelines for all districts.** This is perhaps the public's most requested change to the code. By allowing Design Guidelines in districts created prior to the 2010 change in the code, the districts will benefit from improved guidance for ensuring that projects meet the criteria for each district. (page 34)
- **Increase the scope of administrative approvals by the director.** There are a number of relatively straightforward project types that are widely recognized as appropriate, but currently are required to be submitted to the Houston Archaeological and Historical Commission (HAHC) for approval. This approval can require significant investment of time, effort and expense on the part of the applicant, staff, and the HAHC. Currently, only 4 types of projects are eligible for administrative approval. These proposed changes expand the projects eligible for administrative approval and will allow approximately one third of all applications to be approved through this process, saving the property owners significant time and expense. (page 21)
- **Expand and clarify exemptions from the Ordinance.** The proposed changes will reduce confusion regarding what is considered exempt from the historic preservation code. It adds a number of architectural features, such as window screens and gutters to the exempt list. It also identifies what types of fences are exempt. (page 17)
- **Clarify the regulation of structural elements of exterior walls such as interior shiplap.** Many property owners are unaware that the structure relies on the three components of the exterior wall assembly, the exterior siding, the studs and the shiplap, for structural integrity. This change educates the public on this and identifies ways that the shiplap may be modified without compromising the safety of the structure. (page 2)
- **Change the process for creating a historic district, including changing how votes to create a district are counted.** Currently the code requires an affirmative vote by 67% of the tracts in the proposed district. The proposed change will require support from 67% of the responding tracts, as long as a minimum of 50% of the tracts respond. (page 10)
- **Clarify and refine the criteria for those simple additions that qualify for mandatory approval.** Since their creation with the 2010 amendments, these criteria have been confusing for all parties. These changes clarify the circumstances certain additions qualify for mandatory approval. These mandatory approvals are now administratively granted, thereby simplifying the application process. (page 21)
- **Provide for flexibility in CofA application submittal requirements and allow the Director to determine what information is and is not required to be included in an application package.** (page 18)
- **Clarify the criteria for obtaining a CofA for alterations and additions.** Currently, Criterion 9, 10 and 11 of section 33-241 provide conflicting and unclear instruction to applicants, staff and the Commission on what alterations and additions should be approved. This change provides guidance on what makes a project appropriate for its district. It also removes the HAHC consideration of deed restrictions because that

requirement is more appropriately enforced at the building permit phase. It also clarifies what items are considered "significant historic material." (page 21)

- **Clarify the criteria for obtaining a CofA for new construction.** These proposed changes provide a more rational approach for determining whether new construction is compatible with its district, including whether the scale of the new construction is compatible with its local surrounding area. (page 25)
- **Clarify the criteria for obtaining a CofA for alterations of non-contributing structures.** Currently, the guidance provided for determining the appropriateness of alterations for non-contributing structures is limited and vague. This change will provide more specificity on how an alteration to a non-contributing structure may be deemed compatible for its district. (page 23)
- **Revise the criteria for obtaining a CofA for relocation and demolition of contributing structures.** Currently, the criteria for relocating or demolishing contributing structures and landmarks are grouped together and lack adequate specificity to enable the HAHC to make an informed decision. This change clarifies the criteria required. (page 26-28)
- **Refine the list of eligible projects for which a property owner may receive City of Houston tax incentives to further incentivize historic restoration.** Unlike the State and Federal programs, Houston's historic tax incentive program allows property owners to receive exemptions on building additions to the historic property. This change will align Houston's program with state and local programs by limiting eligible costs to the historic structure only. In addition, this proposal increases the incentive to reinvest in historic structures by lowering the minimum investment to 25% of the base value, down from 50%. (page 36)
- **Improve the technical expertise of persons appointed to the Historic Commission and provide more flexibility for appointing and retaining highly qualified people.** This change will increase the technical expertise of the commission and will allow the Mayor and City Council to reappoint experienced Commissioners for more than the existing three terms limit consistent with many other appointed bodies such as the Houston Planning Commission. (page 5)
- **Improve the Appeals process.** Two options are currently under consideration. The city is requesting public comment on both options before making the final proposal. The first provides that the Houston Planning Commission may recommend that the HAHC reconsider their initial decision rather than overturning the HAHC. The second creates a new appeals board to be created for hearing appeals from the HAHC, with the new board to be comprised of former members of the two existing commissions. Both options preserve City Council's authority to be the final appeal. (page 31)
- **Improve the remedies for enforcement of violations of the code.** Currently, the penalties for doing work without a CofA or for willfully violating the terms of a CofA are confusing and challenging to enforce. This change provides the property owner with a clear path forward toward correcting violations and makes the ordinance easier to enforce. (page 4)
- **Increase the penalty for illegal demolition.** Currently, a property owner who illegally demolishes a structure may not obtain a building permit for that location for two years. This proposed change maintains the two

year prohibition and further requires that any potential new construction on that site be no larger in footprint or square footage than the structure that was illegally demolished. (page 5)

- **Provide additional notification to the community for CofA applications.** This proposal requires that applicants for a CofA place a small yard sign in their front yard as a means of notifying the neighborhoods that an application has been filed. These signs provide phone contact information the Planning Department in case neighbors desire to learn about or comment on an application. (page 19)
- **Create the position of Historic Preservation Officer.** This position will make Houston eligible for the Certified Local Government program with the Texas Historic Commission. In doing so, Houston will be eligible for grants, technical assistance and other support programs for historic preservation. (page 5)
- **Allow for City Council to change the classification of a structure located in a historic district.** (page 14)
- **Change one of the criteria for designating structure as a Protected Landmark from “constructed before 1905” to “constructed more than 100 years before application.”** (page 16)
- **Allow City Council to set an application fee for a CofA.** (page 18)