

# Historic Preservation Ordinance

## Summary of Proposed Revisions to Public Comment Draft

August 27, 2015



PLANNING &  
DEVELOPMENT  
DEPARTMENT

Below are the changes proposed to the June 26, 2015 published draft of the historic preservation ordinance. The primary sources of input considered in developing these changes include the general public during the comment period from June 26 to July 25; the public hearing at HAHC on July 22; the HAHC workshop on August 5; and numerous meetings with stakeholders.

### Staff Recommendation:

(Yellow highlighting indicates changes for which we are seeking Commission input)

1. Definitions:
  - a. Alteration: Clarifies that signs attached to buildings and the painting of unpainted masonry surfaces are alterations; foundation leveling is not an alteration and is added to definition of ordinary maintenance and repair.
  - b. Context area: Changes 'surrounding area' to 'context area.' The definition remains the same.
  - c. Ordinary maintenance and repair: Adds foundation leveling, without raising or lowering the existing foundation height, to the definition. This action no longer needs a Certificate of Appropriateness (COA).
  - d. Street: Clarifies that alleys and shared driveways are not 'streets.'
  - e. Typical: Adds the following definition: 'Typical means being within a subset of commonly occurring values in a group. Extreme values within a group are not necessarily typical of that group.'
2. HAHC:
  - a. Moves the responsibility for excusing commissioner absences from the Mayor's office to the Planning Director.
  - b. Revises Position 6 to require a 'person with commercial interests in a historic district.'
3. Illegal Demolition Penalty:
  - a. Stipulates that after the two-year period in which no building permits may be issued, any permitted new construction (that is of the same size and footprint as the illegally demolished structure) will be treated as a contributing structure for all requests for alterations, demolitions or relocation until 10 years have passed from the illegal demolition.
4. Designation of Historic Districts:
  - a. Eliminates proposed changes to the % of property owner support required for an historic district application. The ordinance will continue to require that 67% of property owners in a proposed district support the designation.
  - b. Changes wording 'survey area' back to 'proposed historic district.'
  - c. Changes term 'survey form' to 'response form.'

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5. Exemptions:
    - a. Adds more project types to the list of exemptions, including removal of burglar bars, solar panels, satellite dishes, and other roof equipment; installation of roof equipment on the rear half of the roof; freestanding signs; and painting of previously painted masonry surfaces.
    - b. Allows district Design Guidelines to require COAs for project types otherwise exempted by the ordinance.
    - c. Makes fences exempt, unless district Design Guidelines specify otherwise.
  6. Administrative Approvals:
    - a. Modifies the list of project types that can be approved administratively, including installing shutters and adding roof equipment in the front half of the roof.
    - b. Allows district Design Guidelines to require that project types otherwise eligible for Administrative Approval be reviewed by HAHC.
  7. Mandatory Approvals:
    - a. Adds language to the partial second-story addition that the addition must be constructed without the removal of any existing exterior walls of the historic house.
    - b. Allows district Design Guidelines to remove this section.
  8. Alterations to Noncontributing Structures:
    - a. Requires that, if a significant amount of structural elements are removed from noncontributing structures, then alterations must comply with the criteria for New Construction rather than for Alterations.
    - b. Adds the option that additions must either match the architectural features, materials and character of the existing noncontributing or be compatible with the context area instead.
  9. New Construction Criteria:
    - a. Changes 'surrounding area' to 'context area,' although the meaning remains the same (see Definitions above).
    - b. Changes criteria 2 to require that exterior features be reviewed within the local 'context area,' not the entire district.
    - c. Reinserts the criterion that limits the height of new construction.
    - d. Allows district Design Guidelines to change the two-story and one-story provisions in #5 and #6.
  10. Relocations/Demolitions:
    - a. Reinserts the 'Unusual and Compelling Circumstances' provision.
  11. Notice Requirements:
    - a. Requires the small yard signs to be posted within three days of submitting a COA application.
  12. Appeals:
    - a. Removes both Option A and Option B.
    - b. Establishes a subcommittee of 5 members of the Planning Commission to hear appeals. This subcommittee will be required to receive significant training on the historic preservation ordinance and related issues.
    - c. Reduces the maximum time the subcommittee may take to hear an appeal from 60 days to 45 days.
  13. Demolition by Neglect:

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- a. Changes the scope to both vacant and occupied structures.

14. Design Guidelines:

- a. Clarifies that, in the event of a conflict between the ordinance and the design guidelines, the more restrictive shall control.
- b. Requires Design Guidelines for all three Houston Heights districts be presented to City Council within 16 months of passage of the ordinance.
- c. Requires the Director to resubmit Design Guidelines rejected by City Council to be resubmitted as soon as is reasonably possible.

15. Archaeological Sites:

- a. Adds language to regulate and protect designated archaeological sites.