

# **SUMMARY OF THE HISTORIC PRESERVATION ORDINANCE AMENDMENTS ADOPTED OCTOBER 13, 2010**



After numerous community meetings and an unprecedented public input process involving over 1,000 stakeholders, Houston City Council has approved major changes to the Historic Preservation Ordinance, which now gives permanent protection to historic properties within historic districts. All existing and pending historic districts are immediately protected under the amended ordinance.

## **The 90-day waiver has been eliminated for historic districts.**

An approved Certificate of Appropriateness (COA) from the HAHC is required for exterior alterations, new construction, relocation and demolition of historic structures in historic districts. If the HAHC denies a request for a COA, the owner may appeal to the Planning Commission and to City Council. The 90-day waiver is still in place for landmarks outside historic districts and for places of worship within historic districts.

## **The provisions for Certificates of Appropriateness (COA) have been revised.**

- A COA is not required for ordinary repair and maintenance.
- A COA is not required if a building in a historic district is destroyed by fire or natural disaster, as long as the new structure is built to the same specifications as the building that was destroyed.
- A COA is not required for exterior painting, landscaping, HVAC units, light fixtures, porch ceiling fans, fences, and re-roofing.
- Design Guidelines will be created for existing and proposed historic districts that do not currently have them which will contain standards for alteration, construction, relocation and demolition of structures within the district.
- New construction in historic districts must be compatible with the existing contributing structures within the historic district in setback, proportions, roofline, and height, but no particular architectural style is required.
- There are new criteria for three types of additions which now must be approved by the HAHC.: A second story camelback addition, a side addition and a rear addition.
- Building materials that are visible from a public street (excluding public alleys) must be visually compatible with materials being replaced in form, design, texture, dimension and scale, but not necessarily the same as, the materials being replaced.
- A COA for demolition of a contributing structure may be granted if the owner can show an unreasonable economic hardship or unusual and compelling circumstances.

- Repairs may be required if a building is structurally unsound and creates a safety hazard.
- Violators of the ordinance may be fined \$50-\$500 for each violation. (This provision has always existed in the ordinance.)

## **Transition**

City Council also adopted an ordinance that provides a way for property owners in existing historic districts and the pending Houston Heights Historic District South to petition for reconsideration of their designation. To initiate the reconsideration process, owners must gather signed reconsideration petitions from 10% of all property owners in a district by 5 p.m., November 17, 2010. Upon receipt of a valid application for reconsideration, the City will schedule a public meeting. Once the public meeting is held, the city will mail out a survey to all property owners within the district, who will then have 15 days to return the survey indicating whether they support the continued designation of their district. The results of the mail survey will help City Council decide whether to reaffirm a district's boundaries, modify the boundaries or dissolve the district (should owners of 51% of the tracts return petitions requesting reconsideration). **Dissolution of a district means the loss of all current protections.**

The pending Glenbrook Valley and Woodland Heights Historic Districts are subject to the procedures of the ordinance in place prior to the amendments approved by council, which provides for public hearings before the Houston Archaeological and Historical Commission (HAHC) and Planning Commission prior to submission to City Council.

Old Sixth Ward and Main Street Market Square are not eligible for reconsideration.

## **There's a new application process for future historic districts.**

An application for an historic district designation can be initiated with the support of 10 percent of the tract owners in the proposed district. Once a valid application is received, the City will hold a public meeting. After the public meeting is held, the city will mail out a survey to all property owners in the proposed district. Property owners will have 15 days to return the survey. At least 67% of all property owners within a district must return cards in support of district designation in order for the historic district to be established. If less than 67% support is received, the planning director may modify the proposed boundaries to create a district in which 67% of the owners are in favor. If there is no way to modify the boundaries to achieve a district in which there is 67% support, the application will be denied and no new application may be filed for one full year. Historic district designation can also be initiated by the HAHC.

## **For more information**

Learn about these changes. Information is available at [http://www.houstontx.gov/planning/HistoricPres/hist\\_pres\\_amend.html](http://www.houstontx.gov/planning/HistoricPres/hist_pres_amend.html). You can also contact the City of Houston's Historic Preservation staff at 713-837-7701 or at [historicpreservation@houstontx.gov](mailto:historicpreservation@houstontx.gov).

Take time to learn about these new rules. Ask us questions. Let us help you understand what these changes mean for you.