

**Historic Preservation Ordinance Review  
Public Comment with Staff Recommendations**

Item #	Page #	Topic	Ordinance Reference	Comment	Staff Recommendation
<b>Definitions</b>					
1.	1		Alterations	Clarify that foundation leveling will not require COA and is not an "alteration"	Amend. Be certain to distinguish the difference between leveling and raising the structure.
2.	1		Alterations	Clarify when signs are considered "alterations"	Amend. Signs are considered an alteration when attached a structure.
3.	1		Blockface	Change definition from "the portion of a block that abuts the street" to "the entire contiguous set of lots abutting both sides of the street"	No change. A blockface is only one side of the street. The comment changes the meaning to include two opposing blockfaces.
*	4.	1	Demolition	Change the definition to specify a demolition as "if more than 50% of the structure is removed"	No change. Sometimes 50% is significant and sometimes it is not.
*	5.	2	Exterior feature	Remove shiplap from definition of exterior features	No Change. The proposed amendment clarifies the intent of the ordinance.
6.	2		Front façade	Do not remove the definition of "front façade" from the document	No change. This was removed because there is no longer a reference to it.
7.	2		Historic preservation officer	Needs better definition. Is this additional staff?	No change. This definition comes directly from the Texas Historical Commission and is required in order for Houston to be eligible as a Certified Local Government, thereby making it eligible for grants and other state and federal support. This is a designation for existing staff and requires no additional staff.
8.	3		Massing	Include visual examples in the definition	No change. Visual representations of defined words will be placed in the Design Guidelines.
*	9.	2	New Construction	Clarify that if more than 50% of the existing structure (contributing, potentially contributing, or noncontributing) is demolished, the application for certificate of appropriateness should be submitted as demolition followed by new construction	See response to Item # 4 above.
10.	3		Street	Clarify whether this definition excludes alleys and shared driveways	Amend. This definition should not imply that alleys or shared drives are included.
*	11.	3	Surrounding area	Change the definition of surrounding area to mean the entire historic district	No change. See new construction. # 58
12.	N/A		Typical	Add a definition of "typical"	No change. The Design Guidelines will provide more specific illustrations of typical for individual districts.
13.	N/A		Unusual and compelling circumstances	Add a definition of unusual and compelling circumstances	No change. Further definition is unnecessary.
<b>Enforcement</b>					
*	14.	5	33-203(d)	Remove the limitation on the size of the replacement structure	No change. This is a recommendation of the committee
15.	5		33-203(d)	Change the wording from "the period of two years has completed" to "the period of two years has elapsed"	Amend.

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<b>HAHC</b>					
16.	6	HAHC composition	33-211(b)(9)	Add a new position for a technical person (9) instead of eliminating one citizen representative.	No change. The size of the commission is adequate.
17.	6		33-211 (b)	Add a representative from the GHBA to the HAHC	No change. Position eight fits this recommendation.
18.	6		33-211(b)(6)	Position 6 should represent the commercial interests in a district	<b>Amend. Rewrite the position to require the appointee is associated with commercial interests in a historic district. Ok</b>
19.	6		33-211 (c )	Eliminate the requirement that four members be owners of historic buildings or residents of districts	No change. It's beneficial to the ordinance to have property owners on the Commission.
20.	6		33-212 (b)	Change HAHC attendance-keeping from Mayor's office to Planning Director	Amend.
*	21.	7	33-212 (c)	Retain the requirement that an HAHC member cannot serve more than 3 terms	No change. Commissioners will continue to be appointed for a period of two years and must be reappointed at the end of the term. Removing the limit on the number of terms brings the HAHC into alignment with other Houston Boards and Commissions. The narrowly prescribed definition of the members makes finding members difficult.
*	22.	7		Restrict to two terms	No change. See above.
*	23.	7		Restrict to one term for life	No change. See above.
*	24.	7		Restrict any change to term limits might coincide with any term limit adopted for city council	No change. See above.
<b>HD Designation</b>			<b>33-221--33-227</b>		
*	25.	10	33-222.1	Leave the percentages required for initiating a district as they currently are. No response means "no."	No change. This change encourages the public's participation in decision-making.
*	26.	10		Change the percentage to 50% of all tracts	Discuss with Commission
*	27.	10		Change the numbers to a 67% threshold and 50% support	Discuss with Commission
*	28.	10		Change the percentage to 60% of all tracts	Discuss with Commission
	29.	10		Assess fines to those who submit fraudulent survey forms	No change. Issues related to fraud can be handled through other means.
	30.	10	33-222.1 ( e )	Do not allow faxed survey forms	No change. Validity of the faxed forms can be addressed outside of the ordinance.
	31.	10	33-222.1 (a)(5) & (f)(1)	Change the existing process to require all owners of a tract to sign a survey form	No change. The current process appears to be working adequately. This is consistent with how the code applies to other neighborhood protection public programs.

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32.	N/A			Create a process for dissolving current historic districts	No change. City Council already has this authority.
33.	10			Create a process to opt-out of created historic districts	No change. Opting out could jeopardize the integrity of a district. Furthermore, the proposed changes allow for boundaries to be amended during the process to create a district.
34.	9-10		33-222.1 (j)2	Change "may continue the public hearing" to "shall continue the public hearing" in cases where the Commission amends the boundaries.	No change. This should be left to the discretion of the HAHC, based on the severity of the change in boundaries.
*	35.	N/A	33-222.1 (d)(1)	Count votes according to the number of originally platted lots, not according to the accounts according to HCAD.	The staff will examine this issue to ensure the ordinance is clear about who receives survey cards and how the cards are counted.
<b>Amendment; Changes in boundary</b>			<b>33-227</b>		
36.	N/A		33-227(b)	Prohibit the enlargement of current historic districts; allow only new districts	No change. The proposal requires the expansion of existing districts follow the same rules as the creation of new districts.
<b>Certificate of Nondesignation</b>			<b>33-228</b>		
37.	11			Remove this section entirely.	No change. This certificate provides certainty for property owners.
38.	N/A		33-228 (a)	Retain the word "contributing" structure	No change. The certificate on nondesignation should not be allowed on non-contributing structures in an existing district.
<b>Exemptions</b>			<b>33-237</b>		
*	39.	14	33-237 (a) 4	Make all fences exempt	No change. Tall and opaque fences in front of the house should be regulated.
40.	14			Make all painting exempt, even painting on masonry	Amend. Require a CofA for painting brick and stone, but painting on stucco without a CofA.
41.	14		33-237 (c)	Require a CofA for the demolition of non-contributing structures.	No change. Requiring a CofA for the demolition of a non-contributing structure is not necessary.
<b>Application materials</b>			<b>33-238</b>		
42.	17			Require a letter from a registered structural engineer to ensure the structural integrity of the original house is maintained for alterations and additions	No change. This may be requested with any application at the Director's discretion.
43.	18	Notice requirements	33-238.1 (a)	Remove the requirement for a large sign for an appeal, suggests a small yard sign instead	No change. The small sign is not large enough to adequately inform the community
<b>Alterations</b>			<b>33-241</b>		
44.	18			Remove this section entirely and leave it to design guidelines	No change.
45.	18		33-241 (a) 11	Change "similar elements" to "similar original elements"	No change. The additional word is not necessary because the concept is handled as a matter of interpretation
<b>Administrative Approvals</b>			<b>33-241.1</b>		

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46.	19			Remove mandatory approvals entirely	No change. Mandatory approvals provide certainty under certain circumstances
47.	21		33-241.1 (a) 3	Require a letter from a registered structural engineer to ensure the structural integrity of the original house is maintained for alterations and additions	Amend. See item # XX Require such a letter for alterations on top of existing structures.
48.	21	Alterations to Noncontributing structures	33-241.1 (b)	Remove all restrictions on noncontributing structures	No change. Reviewing alterations to non-contributing structures is important for the character of the district as a whole.
49.	21		33-241.1 (b) 1	Add the following language: "provided the structure outline, roof shape, window location, or overall characteristics lend the structure to having once been a contributing structure."	No change. This suggestion creates an earlier appearance.
50.	22		33-241.1 (b) 2	Add language: "For structures that are unlike those found in the design guidelines for their respective historic district, are of a design unto themselves, and have long been considered and accepted and worthy structure in the district, the proposed activity must match the architectural features, materials, and character of the existing noncontributing structure."	No change. This is covered in the currently proposed language.
51.	23		33-241.1 (b) 3a	Change "similar elements" to "similar original elements"	No change. See item # 45
52.	23	Other Administrative approvals	33-241.1 (c) 1	Proposes to include the word "contributing": Removal of an inappropriate window or door element that was not original to the <i>contributing</i> structure and replacement with a window or door element	Amend. The current proposal implies this, but adding the word makes it clearer.
*	53.	23	33-241.1 (c)	Remove the following items from the list: free-standing structures, satellite dishes and antennae	Discuss w/Commission
	54.	23	33-241.1 (c)	Change skylights to "low profile skylights"	Amend.
	55.	24	33-241.1 (c)	Add working shutters to the list of items that can be added with administrative approval	Amend.
*	56.	24	33-241.1 (c) 4	Make the removal of these items exempt from a CofA	Discuss w/ Commission
	57.	24		Remove "minor changes to CofA" from the administrative approvals list	No change. This is a necessary slip to streamline the process.
<b>New Construction</b>			<b>33-242</b>		
*	58.	24	33-242(a)1, 3, and 4	Change "surrounding area" to "entire historic district"	No change. Surrounding area allows the Commission to review an application within its context.

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*	59.	24		33-242(a)2	Change "historic district" to "surrounding area" to be consistent with all criteria	Discuss w/commission
	60.	25			Remove this section from the ordinance and leave it to design guidelines	No change. The criteria is needed to determine compatibility
*	61.	26		33-242(a) 4	Prohibit the construction of 2-story structures on blocks that are primarily (exclusively) 1-story	No change.
*	62.	26		33 - 242 (a) 5	Allow the construction of 2-story structures in a district that is exclusively 1-story	No change.
			<b>Relocation</b>	<b>33-243</b>		
*	63.	26			Develop new criteria to specifically address moving house on the same lot	No change. The current criteria already address this. Moving a structure on its current lot may disrupt the character of the district in the same way as moving it to a different lot.
	64.	26			Remove the requirement that an applicant prove compelling circumstances. It creates additional requirements and confusion.	No change. Moving a structure from its historic placement may change the character of the historic district and should not be done without a compelling reason.
			<b>Demolition</b>	<b>33-247</b>		
	65.	28			Allow an applicant to prove unusual and compelling circumstances in order to demolish a contributing structure. Only allowing the demolition through reclassification will take too long.	Amend. Leave this in the demolition criteria.
			<b>Emergency Action/Dangerous Bldgs.</b>	<b>33-251</b>		
	66.	30		33-251 ((a)	Delete "article IX" as it has been deleted elsewhere	No change.
	67.	30-31		33-251 (b)	Remove the requirement that a CofA be obtained in order to demolish an unsafe building	No change. 33-251(a) allows the building official to demolish any structure that is determined to be in imminent danger to the health, life or safety of any person without first obtaining a CofA.
			<b>Appeals</b>	<b>33-253</b>		
*	68.	32			Select option B with changes: only ex-HAHC members should be appointed	No change. Allowing some Planning Commission members allows for balanced perspectives
*	69.	31			Leave the process as is	No change. Choosing option B allows for a more focused appeals body
*	70.	31		33-253 (a) (option A)	Reduce appeal time-frames or pay owner's costs	No change. Ninety days is necessary to encourage the owner pursue alternatives to demolition
*	71.	32		33-253 (c) (option B)	Change 60 days to 30 days	Amend. Reduce the maximum days to 45 clarify that an appeal for demolition may not be filed prior to 90 days after the HAHC decision.

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*	72.	31		Remove appeals process	No change. The appeals process provides an applicant the opportunity for an additional review.
*	73.	31		Select Option A	Staff recommendation is to support Option B. Choosing option B allows for a more focused appeals body
<b>Demolition by Neglect</b>			<b>33-254</b>		
<b>74.</b>	33			Assess daily penalties	No change. Failure to comply with the requirements of this section violates the ordinance and any violation of this ordinance is subject to enforcement under 33-203 (this includes fines)
<b>75.</b>	33			Make sure that this applies to occupied structures as well as vacant ones.	Amend. The current proposal implies this, but adding the word makes it clearer.
76.	33			Require the structure be secured with fencing and bars on windows.	No change. The methods required to secure a building is already identified in City Code.
<b>33 Validity/Expiration</b>			<b>33-255</b>		
77.	33			The length of time that a CofA is effective should be tied to building permits	No change. Building permit expiration dates vary and it is difficult to align the two.
78.	33			Make CofAs valid for one year with an option to extend an additional year	No change. The ordinance should be clear that as long as the building permit is applied for within the two-year life of the CofA, the expiration of the CofA is not an issue.
<b>Design Guidelines</b>			<b>33-266--33-268</b>		
79.	34		33-266 (a)	Change the amount of time the Department has to complete the Guidelines from one year to six months	No change. This process should include significant public engagement and some districts may take that long to complete.
80.	34	Notice requirements	33-266 (b) 2	Require 30-day notice for meetings instead of 15.	No change. This will make the process much longer and delay the completion unnecessarily
81.	34			Require 3 public meetings instead of "one or more"	No change. It is likely that some districts might need only one public meeting and requiring more will make the process much longer and delay the completion unnecessarily
82.	34	Content requirements	33-267	Amend to allow use of the previous guidelines in the interim of adoption of new guidelines. Design criteria revert to what was in place at the time of the last change in 2010 until new can be created and established.	No change. There are no guidelines that were developed by the public and approved by council.
*	83.	34	33-267 (b)	Check Sections 33-240 and 33-267 (b) to remove inconsistencies and conflicts. In the event of conflicts between the ordinance and the design guidelines, the more restrictive should control (33-240)	Amend to be clear that if there is a conflict between the guidelines and the ordinance, the more restrictive controls.
84.	N/A	Amendments	33-268 ( c )	Restore struck portion of 33-268 ( c )	No change. This language is now spelled out in section a and b.
<b>Tax incentives</b>			<b>Ch. 44</b>		

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85.	36			Find a way to help senior citizens maintain and repair their home as opposed to the tax exemption	No change. The current reduction in the minimum required encourages property owners to obtain tax incentives with much lower investment, benefitting seniors
<b>Other</b>					
86.	N/A			Add language that deed restrictions supersede the ordinance	No change. The project must meet both.
87.	N/A			Require reimbursement to owners denied demolition for the difference in value between a vacant lot and one with their historic home on it	No change.