

City of Houston, Texas, Ordinance No. 2021- 456

**AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING A NEW ARTICLE X RELATING TO THE DESIGNATION OF CERTAIN AREAS OF THE CITY AS HERITAGE DISTRICTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City of Houston has a rich and diverse cultural history; and

**WHEREAS**, the unique qualities of Houston's history are embedded in its historic and culturally significant neighborhoods; and

**WHEREAS**, these historic and culturally significant neighborhoods add value and serve to unify residents, foster civic pride, and strengthen and sustain communities; and

**WHEREAS**, City Council desires to improve the management of historic and culturally significant neighborhoods in ways that protect, preserve, and recognize the cultural significance of the areas; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That Chapter 33 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article X that reads as follows:

**"ARTICLE X. HERITAGE DISTRICTS**

**Sec. 33-501. Definitions.**

As used in this article, the following terms shall have the meanings ascribed below unless the context of their usage clearly indicates another meaning:

*Civic association* means an organization whose membership consists of owners of real property in or the residents of a subdivision located within in a heritage district or proposed heritage district. A civic association includes property owners' associations, homeowners' associations, civic clubs, Super Neighborhoods, and

similar neighborhood associations whose membership consists of property owners and residents.

*Community-based organization* means a public or private non-profit organization that has experience with meeting human, educational, cultural, or public safety needs and is incorporated as a 501(c)(3) organization.

*Heritage district* means a section of the city that is distinguished from other areas of the city by a unique community identity and history. A heritage district is a recognizable, definable, geographic area that is bordered by public rights-of-way and has ongoing cultural traditions and history that citizens generally recognize.

*Intangible cultural heritage* means social traditions and practices, rituals, and community events that provide a common identity and social cohesion.

*Public right-of-way* has the meaning ascribed in Section 40-481 of this Code.

**Sec. 33-502. Purpose of heritage district.**

The purpose of a heritage district is to:

- (1) Protect and preserve the city's historic and cultural heritage;
- (2) Foster civic and cultural pride by protecting character-defining elements within historic neighborhoods;
- (3) Highlight the significant achievements and contributions of the community at large; and
- (4) Promote neighborhood stability.

**Sec. 33-503. City council designation.**

- (a) A heritage district shall be designated by city council at its discretion and upon joint recommendation by the director and the historic preservation officer. The director shall maintain a list of current heritage districts and maps or written descriptions of their boundaries.
- (b) Prior to action by the city council, the director or designee and the historic preservation officer shall review each application for designation as a heritage district and make a joint recommendation

to city council as to whether or not an application should be approved.

- (c) After considering the joint recommendation and the standards for designation, as listed below in Section 33-504, city council may, at its discretion, approve or disapprove of the designation of the heritage district as recommended; or refer it back to the director and the historic preservation officer for further consideration or modification or disapprove the proposed designation.
- (d) A heritage district may only be designated by city council.

**Sec. 33-504. Standards for designation.**

- (a) *Size.* The minimum size for a heritage district is one block. There is no maximum size. A heritage district must consist of land within a contiguous and defined boundary that is bordered by public rights of way. The proposed area must share a common history or intangible cultural heritage.
- (b) *Elements of preservation.* A heritage district must have one or more streets, bridges, structural and architectural materials, parks, street signage or markers, civic art, statues or monuments that define the character of or contribute to the district's character-defining intangible cultural heritage, unique cultural heritage, or shared history and identity.

**Sec. 33-505. Application for designation of a heritage district**

- (a) Application for a heritage district may be filed by either:
  - (1) A community-based organization that is fiscally sound; in good standing with the state; and has documented work within the proposed heritage district that aligns with the community's values and the city's strategic plan for community improvement;
  - (2) A community-based entity that demonstrates fiscal capacity and the ability to implement and sustain its vision and strategic plan for the proposed heritage district. A community-based entity may elect to partner with a community-based organization; or
  - (3) A civic association.
- (b) A civic association, community-based organization, or community-based entity may file an application for designation of a heritage

district with the department in the form prescribed by the director, and shall be subject to the following rules:

- (1) The application shall include:
  - a. A map indicating the boundaries of the proposed heritage district. The boundaries must comprise a contiguous land area and must exclude non-contiguous tracts of land.
  - b. A written statement documenting the historical, cultural, social significance, and intangible cultural heritage of the proposed heritage district.
  - c. Photographic examples of the structural properties in the proposed heritage district that have historical, cultural, social, or architectural materials.
  - d. A written statement on the strategic vision for the proposed heritage district that includes plans for implementation of projects; ongoing funding and resources to sustain the strategic vision.
  - e. Documentation of the organization or entity's ability to provide continued financial support and resources for the proposed heritage district.
  - f. How the strategic vision will impact pedestrian and vehicular mobility, health, safety, and the overall quality of life within the proposed heritage district.
- (c) Applications for heritage district designation are available online at [www.houstontx.gov/planning](http://www.houstontx.gov/planning) or by mail to:

City of Houston Planning and Development Department  
P. O Box 1562  
Houston, TX 77251-1562
- (d) The director shall review each application for completeness. Upon determining that the application includes the items required by subsection (b)(1) of this section, the director shall determine that the application is complete.
- (e) If the director determines the application is complete, the director shall review the application to determine whether the application meets the criteria set forth in section 33-505(b) and the rules and regulations promulgated under Section 33-506. After review and

consideration, the director may recommend placement of the request to designate a heritage district on the city council agenda.

- (f) The director shall post notice of city council approval to designate a heritage district on the department's website within thirty (30) days.

**Sec. 33-506. Rules and regulations.**

The director is hereby authorized to promulgate rules and regulations consistent with the intent and purposes of the provisions of this article. A copy of all rules and regulations shall be maintained by the department, published on the department's website, and be made available in the office of the city secretary for inspection by the public, and copies shall be made available for purchase consistent with the fees prescribed by law.

**Section 3.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 4.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

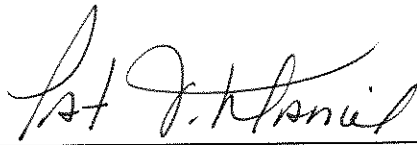
therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED** this 2nd day of June, 2021

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUN 08 2021.

  
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Interim City Secretary

Prepared by Legal Department:   
AH/sec 03/02/2021 Senior Assistant City Attorney  
Requested by Margaret Wallace Brown, Director, Department of Planning and Development  
L.D. File No. 0612000365001

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: JUN 08 2021

AYE	NO	
✓		<b>MAYOR TURNER</b>
....	....	<b>COUNCIL MEMBERS</b>
✓		PECK
✓		JACKSON
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
	<b>ABSENT</b>	PLUMMER
✓		ALCORN
CAPTION	ADOPTED	