



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/28/2023

ALL

Item Creation Date: 1/26/2023

PLN - Amending Chapter 33 to add Article XI for the creation of Conservation Districts

Agenda Item#: 15.

### **Summary:**

ORDINANCE **AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF HOUSTON** by adding a new Article XI, Conservation Districts; establishing criteria and providing for the creation of Conservation Districts in the Neighborhoods of Independence Heights, Freedmen's Town, Acres Homes, Magnolia Park/Manchester, Pleasantville, and Piney Point; providing for other matters related to the subject; providing for a penalty; and establishing an effective date

### **Background:**

The Planning and Development Department proposes to update portions of Chapter 33 of the Code of Ordinances to add a new article XI, Conservation Districts; establishing criteria and providing for the creation of Conservation Districts.

Conservation Districts offer communities a menu of standards that can be used to maintain their established character. Unlike Historic Districts, which establish a consistent set of standards in every Historic District, Conservation Districts may be tailored to the needs of the specific district. These districts are utilized in other Texas cities, including Dallas, Denton and San Antonio.

The Texas Supreme Court upheld the City of Houston's Historic Preservation Program in 2021, finding that there was no violation of the City Charter provisions on zoning, but determined that the provisions of Texas Local Government Code Chapter 211, "Municipal Zoning Authority" controlled the implementation of such programs. Conservation Districts will fall within this, and, like the changes to historic landmark designation seen in the past 18 months, these will all come to City Council for consideration and action in accordance with that decision and state law.

Potential benefits of creating a Conservation District include:

- Protecting the character, look and feel of an area or neighborhood.
- Supporting compatible development and new construction.
- This is designed to be simpler to establish than other forms of neighborhood protection, such as deed restrictions or historic districts.
- This district can include structures of any age and is primarily focused on bulk and scale of buildings, not architectural details like historic districts.

This ordinance is the enabling ordinance which establishes the criteria and standards and provides for the creation of Conservation Districts. This ordinance does not establish any districts at this time. The ordinance only authorizes the Planning Department to move forward with the evaluation and implementation process on the below listed neighborhoods:

- Independence Heights
- Freedmen's Town
- Acres Homes
- Magnolia Park/Manchester
- Pleasantville
- Piney Point

Following evaluations on these six neighborhoods, which might result in moving forward on a CD, or might determine the support is not there and no further efforts are wanted, the director must return to Council for amendment of the Code before any additional neighborhoods are considered for Conservation Districts.

The creation of a Conservation District must have community input and consent and will require approval of 51% or more of the property owners in the proposed district before there can be public hearings at Houston Archaeological and Historical Commission (HAHC) and City Council. Should a future Conservation District be presented to either HAHC or City Council demonstrating less than 100% of property owner support, state law requires that the governing bodies must have a 75% affirmative vote to create the district.

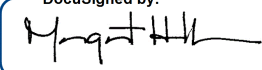
The HAHC held public hearings on the proposed Conservation Districts ordinance on January 26, 2023, and February 9, 2023, and recommended forwarding the proposed ordinance to City Council for consideration and approval.

### **Conservation District Meetings:**

- 1-23-2020 LPAC Conservation District Focus Group

- 12-18-2020 LPAC Conservation District Focus Group
- 1-8-2021 LPAC Conservation District Focus Group
- 2-1-2021 LPAC Conservation District Focus Group
- 2-24-2021 Quality of Life Council Committee presentation
- 3-24-2021 LPAC Conservation District Focus Group
- 4-20-2021 LPAC Focus group report presented
- 2-8-2022 LPAC draft ordinance language presented
- 1-26-2023 HAHC public hearing
- 2-9-2023 HAHC public hearing
- 2-13-2023 Super Neighborhood Alliance presentation
- 2-21-2023 LPAC update on proposed ordinance
- 2-22-2023 City Council public hearing

The HAHC, by motion to approve the draft ordinance as presented and revised per public comments, makes a recommendation, as does the Planning and Development Department, for City Council approval of Chapter 33 amendments for the creation and establishment of the Conservation District Enabling Ordinance.

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**ATTACHMENTS:**

Description	Type
HAHC Final Report	Backup Material
Public Hearing Notice	Backup Material
Conservation District Presentation	Backup Material
Three types of districts	Backup Material
Ordinance Package	Ordinance/Resolution/Motion
FAQ document - revised	Backup Material