

Chapter 33 Amendment—Rooftop signs
HAHC Public Hearing Draft
Not final until approved by City Council
Not approved by the City Attorney

City of Houston, Texas, Ordinance No. 2023-_____

AN ORDINANCE AMENDING CHAPTER 33, ARTICLE VII, DIVISION 5 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO DESIGN GUIDELINES FOR DESIGNATED HISTORIC BUILDINGS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, Chapter 33, Article VII, Division 5 of the Code of Ordinances, Houston, Texas (“Code”), contains the City of Houston’s (“City”) regulatory provisions design guidelines for designated historic buildings; and

WHEREAS, the City Council has previously determined that it is in the City’s interest to preserve the historic aesthetics by designating historic districts, and historic buildings as landmarks or protected landmarks; and

WHEREAS, in furtherance of the interest stated above, the Planning Department recommends that the City allow a limited exception to the City’s prohibition on rooftop signs for certain designated historic buildings that previously had rooftop signs; and

WHEREAS, the Historical and Architectural Houston Commission (HAHC) held a public hearing and considered this amendment at their meeting on _____ and recommended approval and forwarding such recommendation to City Council;

WHEREAS, City Council caused notice of a public hearing to be published as required by State law, and held a public hearing on _____, 2023; and

WHEREAS, having heard public comments and considered the HAHC recommendation, finds that the amendment will further the City’s goals of historic preservation and the aesthetics of protected landmarks by recognizing the importance of certain historical signage; **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 Division 5 of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, be amended by adding a new Section 33-269, to read as follows:

“Sec. 33-269 Historic Roof Signs.

A building that is two stories or less and receives a protected landmark designation under this article shall not be subject to the prohibition on new roof signs section 4611(i)(3) of the Building Code for purposes of making an alteration that maintains, replaces, restores, or constructs a roof sign that:

- (1) Complies with all other provisions of the Houston Sign Code;
- (2) Complies with the Department of Interior's Standards for Rehabilitation listed in 36 C.F.R. § 67 and the approved design guidelines, if any, applicable to a specific historic district, if the building is also located within a historic district;
- (3) Existed during the events or historical period that serves as the basis for the designation; and
- (4) For which the owner has obtained a certificate of appropriateness."

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 that 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 ____ day of _____, **2023.**

APPROVED this ____ day of _____, **2023.**

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept. _____
RAW: ____ 6/23/2023 Assistant City Attorney
Requested by Margaret Wallace Brown, Planning Department
L.D. File No. GC-000000178