

# Facts and Myths Regarding the Proposed Historic District and Historic Preservation Ordinances

**Myth:** These ordinances apply to all properties within the proposed boundaries of the Historic District.

**This is false.**

These ordinances apply only to properties recognized and approved by Historic Preservation Commission as Contributing Buildings. Remember that the proposed Commissions is appointed by the City Council. Contributing Buildings are historic buildings (other than a private residence) that:

- are at least 50 years old
- retain a significant amount of their historic features
- and/or are associated with historical events or persons

Staff members of the Texas Historic Commission will assist the Historic Preservation Commission in selecting the Contributing Buildings.

(Ord. 1029-2020, Section 14.05)

**Myth:** The Historic Preservation Commission will be appointed and controlled by the City Administrator.

**This is false.**

Section 13.14.004 clearly states that the City Council will appoint the 9 members of the Historic Commission and that the majority (6) of these must be owners or owner/operators of contributing buildings in the historic district.

(Ord. 1030-2020, Section 3.14.004)

**Myth:** Rules and regulations governing Contributing Buildings will be made and enforced by City staff.

**This is false.**

All rules and regulations governing Contributing Buildings will be made by the Historic Preservation Commission, which, as stated is comprised of a majority of building owners. Enforcement of the rules and regulations will be conducted by City staff under the direction of the Historic Preservation Commission.

(Ord. 1030-2020, Section 3.14.004 (b))

**Myth:** If I sell my business, which would be prohibited under Section 3.14.005(b), the new owner cannot operate the same type of business as it would no longer be considered grandfathered under the new owner.

**This is false.**

If a "prohibited use" business exists at the time the ordinance is passed, the business is "grandfathered" indefinitely regardless of future ownership. The ordinance simply prohibits new "prohibited use" businesses from opening in the district.

(Ord. 1030-2020, Section 3.14.005 (b))

**Myth:** If the ordinance passes, my property values will decrease and it will be difficult to sell my property.

**This is false.**

There is overwhelming evidence to the contrary. According to a 2015 study conducted by Rutgers University and the University of Texas, properties designated as historic or those within historic districts have values that are 5% to 20% higher in Texas cities.

**Myth:** The requirement for a Certificate of Appropriateness for alterations and/or new construction mandate will apply to all property within the historic district.

**This is false.**

The requirement for a Certificate of Appropriateness (COA), issued by the Historic Preservation Commission, will impact the following buildings:

- Contributing Buildings (a historic building other than a private residence, that is at least 50 years old, retains a significant amount of their historic features, associated with historical events or persons)
- Alterations to Contributing Buildings
- New construction within the Historic District

(Ord. 1030 -2020 - Section 3.14.006)

**Myth:** The City will impose fines of \$2,000 for each violation of this ordinance.

**This is false.**

As with all City ordinance violations, after a citation is issued, the recipient may contest the violation in municipal court. The proposed ordinances prescribe a maximum fine of up to \$500 for the first offense and up to \$2000 for subsequent offenses.

The municipal judge (who is not a member of City staff) ultimately determines if a fine is imposed and the amount of said fine, if any, up to the maximum amount prescribed by state law. Texas Local Government Code provides for a \$2000 fine as the maximum penalty of a municipal ordinance which governs safety, zoning or public health and sanitation.

(Ord. 1029-2020 – Section 3, Ord. 1030-2020 Section 4)