



# City of Richmond

Where History Meets Opportunity

## Richmond Historical Commission Meeting

City Commission Room (IN PERSON)  
600 Morton Street, Richmond, Texas 77469

**Tuesday, June 15, 2021 at 8:00 a.m.**

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<i>Position 1:</i>	<b>Karen Bleil (Chair)</b>
<i>Position 2:</i>	<b>Lonnie Meadows (Vice Chair)</b>
<i>Position 3:</i>	Open
<i>Position 4:</i>	<b>Carol Edwards</b>
<i>Position 5:</i>	Open
<i>Ex-Officio:</i>	<b>Claire Rogers (Fort Bend History Association)</b>
<i>Ex-Officio:</i>	<b>Jess Stuart (Fort Bend History Association)</b>

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The Meeting may also be viewed at ZOOM Teleconferencing Platform

### Join Zoom Meeting

<https://zoom.us/j/98819120389>

**Meeting ID:** 988 1912 0389

### One tap mobile

+13462487799,,98819120389# US (Houston)  
+16699006833,,98819120389# US (San Jose)

### Dial by your location

+1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)

Meeting ID: 988 1912 0389

Find your local number: <https://zoom.us/j/98819120389>

**Richmond Historical Commission meeting can also be viewed on Zoom virtual meeting platform. In-person public comments are encouraged. To make public comments via Zoom, please contact Historic Preservation Officer at [jabraham@richmondtx.gov](mailto:jabraham@richmondtx.gov) prior to the meeting, so that necessary arrangements can be made.**

A quorum of the City Commission may be present at this meeting.

### **AGENDA**

- A1. Call to Order, Determine Quorum, Declare Meeting Open.
- A2. Recite the Pledge of Allegiance to the U. S. Flag and the Texas Flag.
- A3. Public comments. (Public comment is limited to a maximum of 3 minutes per item. Time may not be given to another speaker. No Deliberations with the Richmond Historical Commission).

### **CONSENT AGENDA**

- B1. Review and approve minutes from the May 18, 2021 regular meeting.
- B2. Announce the next Richmond Historical Commission meeting, July 20, 2021, at 8:00 a.m.

### **REGULAR AGENDA**

- C1. Commission Member Reports and Presentation:
  - C1a. Mrs. Claire Rogers – Community and Museum Event Updates.
- C2. Certificate of appropriateness for a proposed removal and filling of a bomb shelter located at 211 Houston Street.
- C3. General discussion on past Ordinance No. 2012-06, Richmond Historic Commission & Overlay District Ordinance, which was substantially codified in the Unified Development Code.
- C4. Consider agenda item requests by Commission Members for July 20, 2021, regular meeting.
- C5. Excuse from attendance at regular Richmond Historical Commission Meeting.
- C6. Adjournment.

The City of Richmond Historical Commission meetings are available to all persons regardless of disability. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's Office at 281-342-5456 ext. 11 for needed accommodations.



# City of Richmond

*Where History Meets Opportunity*

## Richmond Historical Commission Meeting Minutes

City Commission Room (In Person and Zoom)

600 Morton Street, Richmond, Texas 77469

**Tuesday, May 18, 2021, at 8:00 a.m.**

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The Richmond Historical Commission met in a regular meeting on Tuesday, May 18, 2021, at 8:00 a.m. Jose Abraham, Historic Preservation Officer, called the meeting to order. A quorum was present, with the following members in attendance:

Karen Bleil  
Carol Edwards  
Jess Stuart  
Claire Rogers

Staff in attendance: Jose Abraham, *Historic Preservation Officer (HPO)*; Brittany Mullings, *Public Works Executive Secretary*; Gary Smith, *City Attorney*; and Lori Bownds, *Building Official*.

Chairperson Bleil declared the meeting open.

Chairperson Bleil, introduced agenda item number A2., Recite the Pledge of Allegiance to the U.S. Flag and Texas Flag. Pledge of Allegiance to the U.S. Flag and Texas Flag was recited.

Chairperson Bleil, introduced agenda item number A3., Public comments. She asked if there were any public comments. Hearing no public comment, the agenda item was closed.

Chairperson Bleil introduced consent agenda items B1-B2.

B1. Review and approve minutes from May 18, 2021, regular meeting.

B2. Announce the next Richmond Historical Commission meeting to be held on June 15, 2021.

Mr. Abraham, HPO, mentioned there was a typographic error on Ms. Rogers name, and that it will be corrected. Commission member Edwards moved to approve the minutes as amended. Commission member Rogers seconded the motion. The vote for approval was unanimous.

Chairperson Bleil, introduced agenda item C1a., Community and Museum Events Update. Commission member Rogers provided the following updates:

- Fort Bend Museum has the Sunset Music Series, on May 20, 2021, at The Moore House. The band will be the Brazos River Pickers.
- The Fort Bend Museum is planning its reopening on July 17, 2021. Free admission.
- HRA is planning Motown on Morton, the date is to be determined.

Chairperson Bleil, introduced agenda item C2., Discuss and consider taking action on recommending an amendment to Sec 6.2.104.D.1 “Membership” of the Unified Development Code to provide for the nomination of members of the Richmond Historical Commission by a City Commissioner and the appointment of an alternate member. Mr. Smith stated that the City Commission has adopted a policy relating to appointments of Board members. He explained that in the past, nominations were made by the Mayor. The City Commission and the Mayor have decided they want to change the process. The process being considered is to have two Commissioners on an Interview Committee which would be responsible for specific the Boards and Commissions. He added that the policy also intends to consider specific qualifications and training for Board and Commission members to be better empowered. Mr. Smith concluded that the proposed text amendment is intended to reflect this new policy under consideration and that the recommendation from the Richmond Historical Commission will be forwarded to the Planning and Zoning Commission which in turn will make a recommendation to the City Commission.

Commission member Edwards noted that the overall policy direction and proposed amendments are positive changes and moved to a recommendation of approval to the Planning and Zoning Commission and City Commission. Commission member Rogers noted that ex-officio members are non-voting members and asked about the implications of that in terms of quorum. Chairperson Bleil recommended that ex-officio members be allowed to vote. Commission member Rogers amended the motion to include an amendment to allow ex-officio members to be voting members. Mr. Smith added that the policy also includes the provision of an alternate member who participates in the absence of a Board member or Commissioner. Chairperson Bleil seconded the motion. The vote for the motion was unanimous.

Chairperson Bleil, introduced agenda item C3., General discussion about Section 6.3.404 of the Unified Development Code which provides the procedural requirements for Certificate of Appropriateness. Mr. Abraham explained that Section 6.3.404 provides processes and procedures related to the Certificate of Appropriateness. The Unified Development Code specifies that there has been an application or addition or modification of any property within the Historic District or Landmark. He explained that staff is considering text amendment to the section to ensure that the Certificate of Appropriateness process is efficient. He indicated that the UDC presently requires a separate application form and public hearing for all requests for Certificate of Appropriateness. He explained that staff is considering some changes such as including certificate of Appropriateness as on the Building department form and not requiring a public hearing for smaller projects. Staff and Commission members had a general discussion and the agenda item was closed.

Chairperson Bleil, introduced agenda item C4., Discuss budget allocations of Richmond Historical Commission for the Fiscal Year 2021-2022. Mr. Abraham explained the Planning Department allocates funds in their budget for the general needs of Boards and Commissions that are working closely with the Planning Department. Mr. Abraham asked the Commission if there are any specific needs for the upcoming fiscal year. Commission member Stuart asked if they can follow-up with inputs and Mr. Abraham confirmed that they can. There were no further comments.

Chairperson Bleil, introduced agenda item C5., Consider agenda item request by Commission Members for June 15, 2021, regular meeting. Mr. Abraham indicated that a discussion will be included at the next regular meeting. He explained that staff is reviewing the ordinance that preceded the UDC and would like to discuss some of the differences between the ordinance and the UDC provisions and seek input from the Commission. He added that such a review is necessary to ensure that the UDC accurately reflects the intent of the ordinances that have established the Richmond Historical Commission and the Historic District.

Chairperson Bleil, introduced agenda item C6., Excuse from attendance at regular Richmond Historical Commission Meeting. Mr. Smith explained this agenda item is added to allow the Commission to approve excuse from attendance at regular meetings. Staff and Commission members generally discussed the approval process and situations in which absence may be excused. Mr. Abraham, HPO indicated that Commission member Lonnie is not able to attend the meeting due to a doctor's appointment. Commission member Edwards moved to excuse the absence. Commission member Stuart seconded the motion. The vote for approval was unanimous.

There being no further business to be brought before the Richmond Historical Commission, Chairperson Bleil, adjourned the meeting.

Approved

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Karen Bleil, Chair  
Richmond Historical Commission



# RICHMOND EST. TEXAS 1837

600 Morton Street Richmond, Texas 77469 | Office: 281.342.0559 | Fax: 281.232.0704

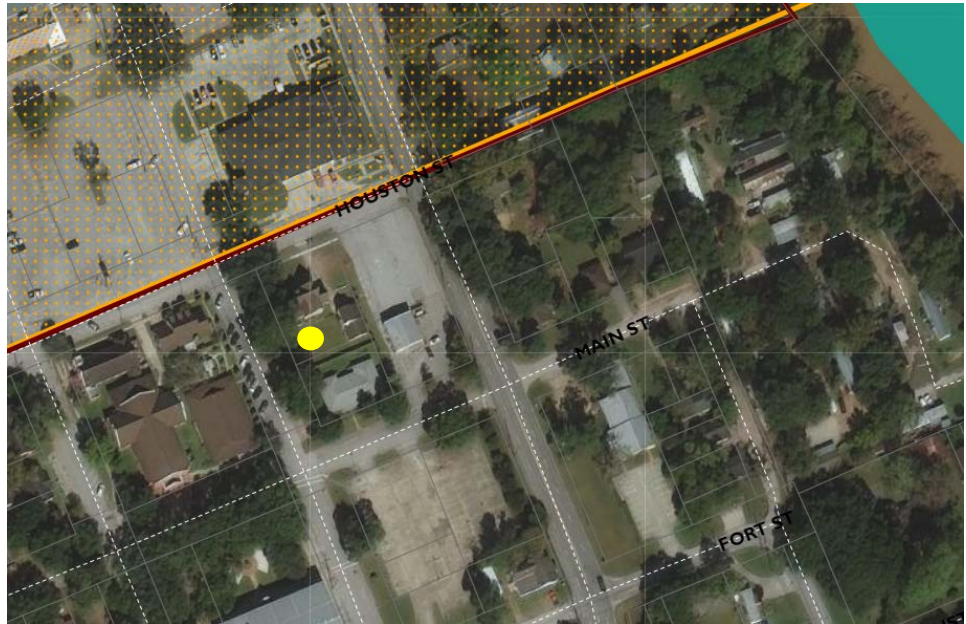
## RICHMOND HISTORICAL COMMISSION *Certificate of Appropriateness Report – Demolition*

<b>Agenda Date:</b>	06.15.2021	<b>Agenda Item:</b>	C2
<b>Project:</b>	Proposed removal and filing of an existing bomb shelter		
<b>Project Location:</b>	211 Houston St.		
<b>Zoning District:</b>	OT, Olde Town		
<b>Reviewed By:</b>	Jose Abraham, HPO   Planning Department		

### PROJECT DETAILS

#### Bomb Shelter

- Applicant is proposing the removal and filling of a Bomb shelter (Application form attached).
- The applicant has indicated that the bomb shelter is flooded and is a reason for damage to the building on the subject site. The applicant
- The subject site is not located within the Historical Overlay district and is located at the edge of the Historic Overlay District.



#### STAFF INPUT

- The subject site/ bomb shelter is outside the Historic Overlay district and is not currently a designated landmark.
- The bomb shelter is underground and does not include any architecturally significant feature above ground.

- It is difficult to establish a date or time period when the shelter was constructed, however, it is possible that the shelter was constructed during the World War II era.
- The cultural significance of the shelter may be subjective.
- If the Commission intends to designate the shelter as a Historical Landmark, Section 6.3.402 provides the criteria and procedures. A public hearing is required for designation of Historic Landmark. Following are the criteria for designation of Historic Landmark:

**Section 6.3.402.C.1.**

1. *Individual Landmarks.* An individual historic landmark may be designated if it is at least 50 years old and it substantially complies with two or more of the following:

- a. Possesses significance in history, architecture, archeology, and culture;
- b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- c. Is associated with events that have made a significant impact in the City's past;
- d. Represents the work of a master designer, builder, or craftsman;
- e. Embodies the distinctive characteristics of a type, period, or method of construction; or
- f. Represents an established and familiar visual feature of the City.



*Subject site | Above-ground elements of the subject Bomb Shelter.*



**RICHMOND**  
EST. **TEXAS** 1837

**BUILDING DEPARTMENT**

600 MORTON STREET  
RICHMOND, TX 77469  
P: 281-232-6871  
FAX: 281-238-1215

2021 B20

**COMMERCIAL BUILDING PERMIT APPLICATION**

**PROJECT INFORMATION**

Project Address: 211 Houston St

Zoning District: SC Historic Overlay District:  Yes  No Sq. Ft: \_\_\_\_\_

Description of Work: dig up old bomb shelter and value of Work: \$ 500<sup>00</sup>

**OWNER & APPLICANT INFORMATION** *Fill in with dirt that was dug up from swimming pool project at 1301-winston st.*

Contractor Company: Jesse MATA Phone: 281-728-2045

Address: 310 Morton St. City: Richmond State: Tx Zip: 77469

Contractor Name: Jesse MATA Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner's Name: Jesse MATA

Address: 1315-Dudley St City: Richmond State: Tx Zip: 77469

Phone: 281-728-2045 Email: \_\_\_\_\_

**SUBMITTAL CHECKLIST**

Please review and check the following "Submittal Checklist" which includes a list of required document and relevant information pertaining to this application:

SUBMITTAL ITEMS AND IMPORTANT INFORMATION	(PLEASE CHECK)
Completed Application and Plan Review Fee (by value of work on valuation table).	
Copy of Survey and Flood Plain Development Permit Application if applicable	
All projects located within the Historic Overlay District may require additional approval of a Certificate of Appropriateness from the Richmond Historic Commission.	
Four bound copies of plans and 1 CD or USB. All drawings should be drawn with sufficient clarity, details to indicate dimensions, distances and the nature and character of the work.	
Site and civil plans must be legible and fully dimensioned plans drawn to a standard scale, must have a minimum text size of 3/32" and drawing sheet size of 24" X 36"	
Maximum size for architectural plans: 36" x 48", "E" Size	
Asbestos Survey as required by the Texas Department of State Health Services.	
ADA Review and compliance is not conducted by the City of Richmond however projects that are required by law to be reviewed shall be submitted to Texas Department of Licensing and Regulation.	
All construction documents shall provide an electronic PDF format copy after every submittal	
An approved hard copy of full plans will be stamped to keep on site during work	
Code Compliance Requirements: International Building Code 2015, State Law enforced; City Ordinances; referenced codes; standards and other sources.	
All approvals on this application will expire after 180 days of filing unless a permit is issued or a written request for extension is received.	



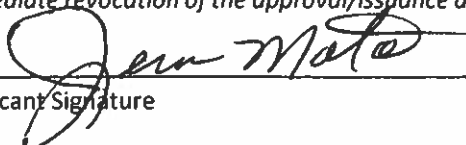
**FEEES**

All fees due to the City of Richmond shall be paid in full before issuance of the permit. All returned checks will be assessed a returned check fee as applicable and a stop work order will be issued and remain in effect until such time a valid complete payment is received. "Credit card payments are assessed a 3% convenience fee. No refunds or credits, all transactions are final."

COMMERCIAL BUILDING PERMIT APPLICATION FEE SCHEDULE				
Description of Item	Unit	Fee	Quantity	Total
General Fee	Flat	\$25.00	1	\$25.00
Demolition Commercial	Each	\$50.00	1	50.00
Fences, New or Re-Fence	First 50 Linear Ft	\$25.00		
	Each Additional 50 Ft	\$10.00		
Floodplain Development including Elevation Certificate	Each	\$25.00		
Foundation Repair	Each	\$50.00		
Fuel Tank, Underground, Install or Remove	Each	\$50.00		
Re-Roof Commercial	Each	\$75.00		
Standard Structures, Non-Occupied, less than 240 Sq. Ft	Each	\$25.00		
Modular Buildings, Portable Structures, Storage more than 240 Sq. Ft.	Per Section	\$250.00		
	Plus Valuation	See Table		
Outside City Limit	Per Permit	\$25.00		
Building Plan Review DUE UPON SUBMITTAL	½ the Building Permit	TBD		
Site Work Permits	Valuation	See Table		
New Construction, Additions, Build-outs, Renovations, Remodeling	Valuation	See Table		
Other work not otherwise specified	Valuation	See Table		
Start work without a permit	Per Permit	Double Fee		
VALUATION TABLE				
First \$1,000.00	\$25.00			
\$1,001.00 to \$50,000.00	Plus \$5.00 for each additional \$1,000.00 to and including \$50,000.00			
\$50,001.00 to \$100,000.00	Plus \$4.00 for each additional \$1,000.00 to and including \$100,000.00			
\$100,001.00 to \$500,000.00	Plus \$3.00 for each additional \$1,000.00 to and including \$500,000.00			
\$500,001.00 and up	Plus \$2.00 for each additional \$1,000.00 or fraction thereof			
Fees subject to change without notice. Official fee calculations at the time of issuance.			Grand Total:	75.00

**DISCLAIMER & SIGNATURE**

I certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating such work or the operation thereof. Falsification or errors in this application may result in immediate revocation of the approval/issuance and be subject to prosecution as allowed by law.

  
Applicant Signature

6.2.21  
Date



600 Morton Street Richmond, Texas 77469 | Office: 281.342.0559 | Fax: 281.232.0704

## RICHMOND HISTORICAL COMMISSION

### Staff Report

<b>Agenda Date:</b>	06.15.2021	<b>Agenda Item:</b>	C3.
<b>Subject:</b>	<i>Ordinance No. 2013-12</i>		
<b>Prepared By:</b>	Jose Abraham, HPO   Planning Department		

### **Background**

Ordinance No. 2013-12 governed the Richmond Historical Commission (RHC) and the Historic Overlay District related provisions, processes, and requirements prior to the Unified Development Code (UDC). The UDC substantially codified Ord No. 2013-12, however, certain provisions appear to have been omitted either by error or intentionally. This is an agenda request to discuss these changes and seek input to potentially make changes to the provisions of the UDC to ensure that it accurately reflects the intent of the ordinances that have established the Richmond Historical Commission and the Historic District. A copy of the Ordinance is attached for your review.

The differences between the ordinance and current UDC may be summarized as follows:

- The Ordinance included a provision for administrative review of requests for Certificate of Appropriateness which was not codified in the UDC. According to Section 11.2(a), of the ordinance, “...the Historic Preservation Officer reserves the right to forward any Certificate of Appropriateness application to the RHC for review and approval when direction on design policy is needed or if unable to determine compliance with the Secretary of the Interior’s Standards for Rehabilitation or the Design Guidelines.”
- The UDC includes definitions of certain terms that were not part of the ordinance such as Historic Landmarks and Secretary of Interior Standards for Rehabilitation.
- UDC does not include the provision to appeal the decision of Richmond Historical Commission to the City Commission regarding designation of historic landmarks and districts.
- The ordinance provides different sections with specific process and procedures for different types of Certificate of Appropriateness (alteration, construction and demolition) whereas the UDC provides a consolidated section for substantive addition or modification. The UDC requires a public hearing process for any alteration, construction, or demolition within the Historic Overlay District.

### **Comparison of the Ordinance and the UDC**

The following table provides corresponding sections from the Ordinance and the UDC.

(Copy of the Ordinance attached and following is a link to the UDC (Hyperlinks added to text in the table):  
<http://online.encodeplus.com/regs/richmond-tx/doc-viewer.aspx#secid-1>

ORD 2013-12 Sections	UDC Sections
Section 1: General Provisions	<ul style="list-style-type: none"> <li>• <a href="#">Section 2.1.103.A Historic Overlay District</a></li> <li>• <a href="#">Division 7.1.300 Definitions</a></li> </ul>
Section 2: Richmond Historical Commission	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.2.104. Richmond Historical Commission</a></li> </ul>
Section 3: Appointment of Historic Preservation Officer	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.2.204. Historic Preservation Officer</a></li> </ul>
Section 4: Criteria for Designation of Historic Landmarks and Districts	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.3.402. Designation of Historic Landmarks and Districts</a></li> </ul>
Section 5: Designation of Local Historic Landmarks and Districts  <i>Note: Section 5.10 not included in the UDC</i>	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.3.402. Designation of Historic Landmarks and Districts</a></li> </ul>
Section 6: Minimum Maintenance Standards	<ul style="list-style-type: none"> <li>• <a href="#">Section 5.1.301. Historic Overlay District Design Standards</a></li> </ul>
Section 7: Procedure to mitigate Demolition by neglect	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.3.411. Demolition by Neglect</a></li> </ul>
Section 8: Ordinary Maintenance	<ul style="list-style-type: none"> <li>• <a href="#">Section 5.1.301.(F) Historic Overlay District Design Standards</a></li> </ul>
Section 9: Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or historic Districts	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.3.404.(A) Certificate of Appropriateness for a Substantive Addition or Modification</a></li> </ul>
Section 10: Review Criteria for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or historic Districts	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.3.404.(A) Certificate of Appropriateness for a Substantive Addition or Modification</a> <i>Note: Some language not included</i></li> </ul>
Section 11: Procedures for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or historic Districts	<ul style="list-style-type: none"> <li>• <a href="#">Section 6.3.404.(A) Certificate of Appropriateness for a Substantive Addition or Modification</a> <i>Note: Some language not included</i></li> </ul>
Section 12: Demolition of Landmarks	<ul style="list-style-type: none"> <li>• <a href="#">Section 5.1.301. (D) Historic Overlay District Design Standards</a></li> </ul>
Section 13: Removal or repair of hazardous or dangerous Landmarks	<ul style="list-style-type: none"> <li>• <a href="#">Section 5.1.301. (E) Historic Overlay District Design Standards</a></li> </ul>
Section 14: Certificates of Appropriateness for Demolition Affecting Landmarks or historic Districts	Not Included <i>(consolidated for substantive addition or Modification)</i>

Section 15: Procedures for Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts	Not Included <i>(consolidated for substantive addition or Modification)</i>
Section 16: Economic Hardship involving for Certificates of Appropriateness for Demolition Affecting Landmarks	Not included.
Section 17: Incentives	<a href="#"><u>Section 5.1.301. (G) Historic Overlay District Design Standards</u></a>
Section 18, 19, 20	Not included.

-----End of Report-----

# CITY OF RICHMOND – FORT BEND COUNTY – TEXAS

## RICHMOND HISTORIC COMMISSION & OVERLAY DISTRICT ORDINANCE

### **ORDINANCE No. 2013-12**

AN ORDINANCE CREATING THE RICHMOND HISTORICAL COMMISSION AND THE HISTORIC OVERLAY DISTRICT; ADOPTING CRITERIA FOR DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS; PROVISIONS FOR A HISTORIC PRESERVATION OFFICER; PROVISIONS RELATING TO DESIGNATION OF LOCAL HISTORIC LANDMARKS AND DISTRICTS; PROVIDING FOR MINIMUM MAINTENANCE STANDARDS FOR REAL PROPERTY DESIGNATED AS A LANDMARK OR PROPERTY LOCATED WITHIN THE DISTRICT; PROVIDING PROCEDURE TO MITIGATE DEMOLITION BY NEGLECT; REQUIRING A CERTIFICATE OF APPROPRIATENESS FOR ANY CONSTRUCTION, RECONSTRUCTION, ALTERATION, RESTORATION, REHABILITATION, DEMOLITION OR RELOCATION OF ANY LANDMARK OR PROPERTY WITHIN THE DISTRICT OR ANY MATERIAL CHANGE IN ANY EXTERIOR ELEMENTS AFFECTING THE APPEARANCE AND COHESIVENESS OF ANY LANDMARK OR PROPERTY WITHIN THE DISTRICT AND COLLECTION OF FEES THEREFOR; PROVIDING STANDARDS FOR ECONOMIC HARDSHIP RELIEF; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; REPEALING ORDINANCE NO. 99-22 OF THE CITY OF RICHMOND, ORDINANCE 2012-06, AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

**WHEREAS**, the City Commission of the City of Richmond, Texas, sometimes hereinafter referred to as "City Commission", hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote economic, cultural, educational, and general welfare of the public, and

**WHEREAS**, Chapter 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.003 (b) provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures, and

**WHEREAS**, Chapter 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005 (a) authorizes the governing body of municipality to divide the municipality into districts, within which the governing body may regulate erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district, and

**WHEREAS**, Chapter 214 TEXAS LOCAL GOVERNMENT CODE, Section 214.00111 provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a certified local government by the state historic preservation officer as provided by 16 U. S. C. A. Section 470 et seq.,

**NOW THEREFORE, BE IT ORDAINED by the City Commission of  
the City of Richmond, Texas:**

**SECTION 1: General Provisions**

- 1) Short Title. This ordinance shall be known and cited as "Richmond Historical Landmarks Ordinance."
- 2) Purpose. The City Commission hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the Richmond Central Business District, Historic Overlay District, as well as all other districts and properties that appear on city maps bearing the suffix "HD" or "HL", represents the unique confluence of time and place that shaped the identity of the city and produced significant historic, architectural, and cultural resources that constitute our heritage. This Ordinance is intended to:
  - (a) Protect and enhance the landmarks and districts which represent distinctive elements of Richmond historic, architectural, and cultural heritage;
  - (b) Foster civic pride in the accomplishments of the past;
  - (c) Protect and enhance Richmond's attractiveness to visitors and the support and stimulus to the economy thereby provided;
  - (d) Insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources;
  - (e) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;
  - (f) Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation.

3) Definitions.

- (a) *Architectural Details* shall mean the small details like moldings, carved woodwork, etc. that add character to a building.
- (b) *Alteration* shall mean any act or process that changes one or more of historic, architectural, or physical features of an area, site, place, and/or structure, including but not limited to the erection, construction, reconstruction or removal of any structure.
- (c) *Building* shall mean an edifice, such as a house, barn, church, hotel or similar construction, that is created to shelter any form of human activity.
- (d) *Certificate of Appropriateness* shall mean an order issued by the Richmond Historic Commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.
- (e) *Certified Local Government* shall mean a local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, and to develop and maintain community planning and education programs.
- (f) *Contributing building* shall mean a historic building that is at least 50 years old or older that retains a significant amount of its physical integrity and character defining features or that is associated with significant people or events,
- (g) *Design Guidelines* shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings and accompanying "do's and don'ts" for the property owner. The Richmond Historic Commission has authority to administer design guidelines.
- (h) *Design Review* shall mean the decision making process conducted by the Richmond Historic Commission or an appointed heritage preservation officer that is guided by established terms.
- (i) *Demolition by Neglect* shall mean allowing a building to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.
- (j) *Exterior Architectural Feature* shall mean, but not be limited to, architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way.
- (k) *Facade* shall mean the entire building front including the parapet.
- (l) *Richmond Historical Commission (RHC)* shall mean the five (5) member board

established under this ordinance and appointed by the City Commission in accordance with Article VIII of the City Charter.

- (m) *Historic District* shall mean any neighborhood or region designated by City Commission as a historic district. *Historic Landmarks* shall mean a building, structure, object, or site designated by City Commission as a historic landmark.
- (o) *Historic Rehabilitation* shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
- (p) *Historic Resource* shall mean any building, structure, object, or site that is 50 years old or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.
- (q) *Minor alterations* shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs, and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.
- (r) *National Register of Historic Places* shall mean our nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when federal funds are used or when there is an undertaking that uses federal funds or that requires a federal permit or license.
- (s) *Order of Demolition* shall mean an order issued by the City Commission indicating approval of plans for demolition of a designated landmark or property within a designated district.
- (t) *Ordinary Maintenance* shall mean repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural of historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.
- (u) *Owner* shall mean the individual, corporation, partnership, or other legal entity in which has vested the ownership, dominion, or title of property and which is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.
- (v) *Preservation* shall mean the stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention



of a property's form as it has evolved over time.

- (w) *Preservationist* shall mean someone with experience, education or training in the field of preservation.
- (x) *Reconstruction* shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building as it appeared at a specific period of time. A technique used earlier in 20<sup>th</sup> century reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings.
- (y) *Recorded Texas Historical Landmark* shall mean a state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National register of Historic Places designations.
- (z) *Restoration* shall mean returning a property to a state indicative of a particular period of time in its history, while removing evidence of other periods.
- (aa) *State Archeological Landmark* shall mean a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.
- (bb) *Site* is the location of a significant event, a prehistoric or historic occupation, or activity or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural or archeological value regardless of the value of any existing structure.
- (cc) *Structure* is a term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter.

## **SECTION 2: Richmond Historical Commission**

There is hereby created a commission to known as the Richmond Historical Commission hereafter referred to as the "RHC."

- 1) In accordance with the *City Charter - Article VIII. Boards and Commissions - Section 8.01 Authority, Composition and Procedures*; The RHC shall consist of five (5) members to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the City and/or the City's Extraterritorial Jurisdiction (ETJ), by the City Commission with primary consideration given to professional members from the disciplines of architecture,

history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the RHC, then the city shall seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines. A representative from the Fort Bend County Historical Commission may serve as a non-voting ex-officio member of the RHC.

- (a) Regardless of professional background, RHC members shall be residents of the City and/or one may be a resident of the City's Extraterritorial Jurisdiction (ETJ); and at least three (3) members should reside, own property, or own and operate a business within the District or other Historical Significant area of the City.
- (b) All RHC members must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city and/or the county.
- (c) The RHC as a whole should represent the ethnic makeup of the city.
- (d) RHC members shall be identified by place numbers 1 through 5 and the terms of the office served be staggered. The initial term for even-numbered Places shall serve for two years and odd-numbered Places shall serve for three years. The City Commission may re-appoint RHC members as their terms expire not to exceed three consecutive terms. The City Commission shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.
- (e) Any member may resign by submitting a letter of intent to the RHC that has been read into the official RHC minutes and forwarded to the City Commission. The City Commission may terminate any RHC member upon cause at an appropriate hearing or upon the absence of over 50% of the scheduled RHC meetings within a calendar year.
- (f) The Chairperson and Vice Chairperson of the RHC shall be elected by and from its membership.
- (g) Quorum. For the purposes of determining the requirements for a quorum, the following are not counted: A board position vacant for any reason, including death, resignation, or disqualification; or a board member abstaining from participation in a vote because of a conflict of interest. A majority of the serving board members constitute a quorum, and a concurrence of a majority of a quorum of board members is required for any official action of the RHC.
- (h) The RHC shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the RHC Chairperson, Vice Chairperson or at the written request of at least three RHC members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552 of the Texas

- 2) The RHC shall be empowered to:
- (a) Make recommendations to the City Commission for the employment of staff and professional consultants as necessary to carry out the duties of the RHC.
  - (b) Adopt parliamentary rules and procedures necessary to carry out the business of the RHC, which shall be ratified by the City Commission.
  - (c) Review and take action on the designation of Landmarks and the delineation of Districts, which shall be ratified by the City Commission.
  - (d) Recommend and may confer recognition upon the owners of Landmarks or properties within Districts, by means of certificates, plaques or markers.
  - (e) Review and recommend to City Commission and other applicable city boards and commissions all proposed changes to the ordinances, building code, general plan or other adopted policies of the city than may affect the purpose of this Ordinance.
  - (f) Conduct public hearings on buildings, sites, structures, and districts for nomination to the National Register of Historic Places and provide comment to the City Commission and the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
  - (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated Districts located in the city. Such information shall be maintained securely, made accessible to the public, and should be updated at least every ten (10) years.
  - (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.
  - (i) Create sub-committees from among its membership and delegate to these sub-committees' responsibilities to carry out the purposes of this Ordinance.
  - (j) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the RHC and the reasons for taking such actions.
  - (k) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
  - (l) Review and take action on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Ordinance.

- (m) Review and take action on all appeals on action taken by the HPO regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Ordinance.
- (n) Develop, prepare and adopt specific Design Guidelines which shall be ratified by the City Commission, for use in the review of all Certificates of Appropriateness applications.
- (o) Prepare and, may submit annually to the City Commission a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (p) Make recommendations to the City Commission concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and Districts within the city.
- (q) Recommend to City Commission the acquisition of Landmarks endangered by demolition where its preservation is essential to purpose of this Ordinance and where private preservation is not feasible.
- (r) Propose incentive programs to the City Commission for local property owners of historic Landmarks or property within local Districts.
- (s) Review and take action on all city preservation-related incentive program applications involving work on Landmarks and Districts for compliance with adopted Design Guidelines pursuant to this Ordinance.
- (t) Accept on behalf of the city government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to approval of City Commission.

### **SECTION 3: Appointment of Historic Preservation Officer**

The City Manager or its designee shall appoint a qualified city official, staff person or contractor to serve as Historic Preservation Officer (HPO). The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the city may be appointed by City Commission as HPO. A volunteer should be aware of the liability issues involved in serving in this capacity. The HPO shall be empowered to:

- (a) Administer this ordinance and advise RHC on matters submitted to it.
- (b) Maintain and hold open for public inspection all documents and records pertaining to the provisions of this Ordinance.
- (c) Receive and review all applications pursuant to this Ordinance to ensure their

completeness.

- (d) Review and take action on all Certificates of Appropriateness applications subject to administrative review pursuant this Ordinance.
- (e) Review and forward with any recommendations all applications for Certificates of Appropriateness subject to review by the RHC pursuant to this Ordinance.
- (f) Ensure proper posting and noticing of all RHC meetings, schedule applications for RHC review, provide packets to its members prior to meetings, record meeting minutes and facilitate all RHC meetings.
- (g) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

#### **SECTION 4: Criteria for Designation of Historic Landmarks and Districts**

Properties that are already listed as a Record Texas Historic Landmark (RTHL), State Archeological landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local Landmarks.

- 1) An individual Landmark may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:
  - (a) Possesses significance in history, architecture, archeology, and culture.
  - (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
  - (c) Is associated with events that have made a significant impact in our past.
  - (d) Represents the work of a master designer, builder or craftsman.
  - (e) Embodies the distinctive characteristics of a type, period, or method of construction.
  - (f) Represents an established and familiar visual feature of the city.
- 2) A District may be designated if it substantially complies with both of the following:
  - (a) Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and
  - (b) Constitutes a distinct section of the city.

**SECTION 5: Designation of Local Historic Landmarks and Districts**

- 1) These provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive planning of the City of Richmond.
- 2) The procedure for designating a historic landmark or to establish or amend a historic District may be initiated by the city, by the individual property owner(s), or by at least 20% of the residents of the potential District. An application for Determination of Significance shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the city fee schedule. Buildings, structures, sites, or areas located within city which substantially comply with the criteria found in Section 4 may be recommended to the City Commission as Landmarks or Districts by the RHC. The application shall contain:
  - (a) Name, address, telephone number of applicant, and physical address of the individual property, or
  - (b) Name, address, telephone number of applicant, and signed petition of at least 20% of the residents of the proposed area.
  - (c) Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.
  - (d) Detailed description and background on the property or area.
  - (e) Current photographs of the overall property or area along with any available historical photographs.
  - (f) Any other information which HPO or RHC may deem necessary.
- 3) Upon receipt of a completed application for Determination of Significance, the HPO shall schedule a hearing at the next available regularly scheduled RHC meeting. Notice of application shall be mailed to the property owner(s) and posted on the property by the city for minimum period of fourteen (14) days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed Districts shall be mailed to each affected owner and posted at least four (4) separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of fourteen days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act.
- 4) An individual property or area that is under review by the city for a formal Determination of Significance shall be protected by and subject to all of the provisions of Ordinances governing demolition, minimum standards and penalties until a final decision by the City Commission becomes effective.
- 5) At the hearing, the applicant shall have an opportunity to present testimony and evidence

to demonstrate the historical significance or insignificance of the subject property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

- 6) The HPO may recommend action to approve, postpone requesting additional information, or deny the application. The HPO shall forward any final recommendation to the RHC within thirty (30) days of the hearing.
- 7) The RHC shall give notice and conduct its hearing upon receipt of the recommendation from the HPO. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specified. RHC shall review the application and forward its recommendation to the City Commission within thirty (30) days after taking action on the application. Recommendations of denial by RHC may be appealed directly to the City Commission.
- 8) Upon receipt of the joint recommendation on the application from the RHC and the Historical Commission, the City Commission shall schedule a hearing on the application within thirty (30) days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided. Significance shall be considered only on the record made before the HPO and the RHC.
- 9) Upon designation of a Landmark or District by the City Commission, the designation shall be recorded by legal description on the city's maps, in the records of real property of Fort Bend County, and with the Fort Bend County Central Appraisal District office.
- 10) The applicant or any person adversely affected by any determination of the RHC may appeal the decision to City Commission. Appeal requests shall be on forms as prescribed by the city and shall be filed with the HPO within seven (7) days of the RHC's decision and scheduled for the next available regularly scheduled city commission meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the subdivision ordinance of the City of Richmond. Appeals to the City Commission shall be considered only on the record made before the RHC and may only allege that the RHC's decision was arbitrary, capricious, or illegal.

## **SECTION 6: Minimum Maintenance Standards**

No owner or person with an interest in real property designated as a Landmark or a property located within the District shall permit the property to fall into serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of RHC, create a detrimental effect upon the historic character of the Landmark or District.

- 1) Examples of serious disrepair or significant deterioration include:
  - (a) Deterioration of exterior walls, foundations, or other vertical support that causes

leaning, sagging, splitting, listing, or buckling.

- (b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
- (c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.
- (d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- (e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- (f) Rotting, holes, and other forms of material decay.
- (g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delaminating instability, loss of shape and form, or crumbling.
- (h) Deterioration that has determined effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.
- (i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

#### **SECTION 7: Procedure to mitigate Demolition by Neglect**

Demolition by Neglect refers to the gradual deterioration of a property when a routine minimum maintenance is not performed. The HPO and the City Building Official shall work together in an effort to reduce Demolition by Neglect involving Landmarks or properties located within Districts within the city. A Demolition by Neglect citation as determined by RHC may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in Section 6 herein.

- 1) Due to the time consuming nature of pursuing enforcement under this section, no more than one property will be under consideration during each of the following quarters - January-March, April-June, July-September, and October-December.
- 2) While the HPO will act as the point of contact, the City Building Official shall, when needed, assist with inspections. If there is a dispute between the HPO and City Building Official, the City Manager may be consulted as a mitigating party.
- 3) The procedure for citing property for Demolition by Neglect shall be as follows:



- (a) Initial identification is made by visual inspection of the area by the HPO or an RHC member or referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
- (i) Once the initial identification is made, followed by preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the RHC at the next available meeting. If the RHC approves the proposal, a Certificate of Appropriateness (if necessary) may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the RHC on the status of the property every thirty (30) days once the work begins on the property.
  - (ii) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
  - (iii) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the RHC for a citation hearing. The HPO shall send a third notice via certified mail with return receipt requested informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Ordinance, and a public hearing on the citation is scheduled.
  - (iv) At the public hearing the owner is invited to address the RHC's concerns and to show cause why a citation should not be issued. The RHC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions.
  - (v) If the owner is cited for the condition of Demolition by Neglect of the property, he is given fourteen (14) days to submit a stabilization proposal to the HPO, and at the discretion of the RHC, up to one (1) year to correct the defects. The HPO shall update the RHC on the status of the property every thirty (30) days once work begins on the property.
  - (vi) If the owner does not respond with an approved stabilization proposal, the matter is turned over to the City Municipal Court Attorney for action in Municipal Court.

## **SECTION 8: Ordinary Maintenance**

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair/replacement and repainting is included in the definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted. The HPO shall be in charge of making the decisions as to what is "ordinary maintenance."

## **SECTION 9: Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts**

No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any Landmark or any property within a District, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any Landmark or any property within a District without a Certificate of Appropriateness application. The application must be reviewed and approved by the HPO or the RHC prior to the issuance of any building permit involving any Landmark or property located within a District. The application shall be required in addition to, and not in lieu of, any required building permit.

## **SECTION 10: Review Criteria for Certificates of Appropriateness for Alteration or New Construction Affecting Landmarks or Historic Districts**

In considering an application for a Certificate of Appropriateness, the HPO and the RHC shall review it for compliance with the Secretary of the Interior's Standards for Rehabilitation and any applicable adopted Design Guidelines previously ratified by the City Commission. The Standards and any applicable adopted Design Guidelines shall apply in all zones within the city bearing the suffix "HD" or individual properties bearing the suffix "HL".

All review criteria shall be made available to the applicant, property owners of Landmarks and properties located within Districts. The RHC shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use regulations and the changes do not take effect until ratified by the City Commission.

## **SECTION 11: Procedure for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or historic Districts**

The procedure for obtaining a Certificate of Appropriateness may be initiated by the city for all city-owned landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or for a property located within a District. The application must be submitted and reviewed and approved by the HPO or the RHC prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the city

fee schedule.

- 1) The application shall contain:
  - (a) Name, address, telephone number of applicant, and physical address of the individual property.
  - (b) Site plan of the individual property or map indicating the area of the proposed work showing all affected buildings and/or structures on the site.
  - (c) Scaled elevation drawings of the proposed changes, when necessary.
  - (d) Photographs of existing conditions as well as any available historical photographs.
  - (e) Samples of proposed materials and/or products to be used.
  - (f) If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
  - (g) Any other information which the RHC may deem necessary in order to visualize the proposed work.
  
- 2) Administrative design review affecting Landmarks and properties located in Districts.
  - (a) Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to submittal of an application to discuss the proposed work and get initial design direction. The HPO reserves the right to forward any Certificate of Appropriateness application to the RHC for review and approval when direction on design policy is needed or if unable to determine compliance with the Secretary of the Interior's Standards for Rehabilitation or the Design Guidelines. Proposed work on all city-owned Landmarks, all proposed work within a District, and for all city preservation-related incentive programs of federal projects must be reviewed by RHC.
  - (b) Within five (5) days of receipt of a completed Certificate of Appropriateness application and a preliminary determination of compliance, notice of the pending administrative action shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city establishing a fourteen (14) day period in which written comments may be submitted to the HPO.

- (c) At the end of the notice period, the HPO shall meet with the Chairperson of the RHC to review the application and any comments received for design compliance consensus. If approved, the HPO shall issue a Certificate of Appropriateness consisting of written findings of fact, conclusions of law and any specific conditions of approval (if any), supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward its decision to the City Building Official. Any specific conditions of approval as identified by the HPO shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.
- (d) If the HPO and the Chairperson of the RHC find the proposed work will have an Adverse Effect on the Landmark, or property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or adopted Design Guidelines, the HPO shall advise the applicant and any written comments of the disapproval of the application and of any changes to the application which are necessary for its approval. A Certificate of Appropriateness application that has been denied administratively may not be resubmitted without incorporating changes to the application that has been denied administratively may not be resubmitted without incorporating changes to application which are necessary for its approval.
- (e) If no action has been taken by the HPO within sixty (60) days of the original receipt of the application, a Certificate of Appropriateness shall be deemed issued by the HPO and the HPO shall so advise the applicant in writing.
- (f) The applicant or any person adversely affected by the determination of the HPO may appeal the decision to the RHC. Appeal requests shall be filed in writing to the HPO within ten (10) days of the HPO's decision. The HPO must schedule that appeal for a public hearing at the next available regularly scheduled RHC meeting. Notice of the appeal shall be posted on the property for a period of fourteen (14) days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the original HPO's preliminary determination. Appeals to the RHC shall be considered only on the record made before the HPO.

3) RHC design review affecting Landmarks and properties located in Districts.

- (a) Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and any applicable adopted Design Guidelines. The applicant is

encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction.

- (b) Within five (5) days of receipt of a completed Certificate of Appropriateness and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled RHC meeting. Notice of the pending RHC hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city establishing a fourteen (14) day period in which written comments may be submitted to the HPO. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.
- (c) The RHC shall review the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of the record. The burden of proof shall be upon the applicant
- (d) The RHC may take action to approve, postpone requesting additional information or deny the application. If no hearing has been scheduled within ninety (90) days of the original receipt of the application by the HPO, a Certificate of Appropriateness may be deemed issued at the discretion of RHC and the HPO shall so advise the applicant in writing.
- (e) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific condition of approval (if any) supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the RHC's decision to the City Building Official. Any specific conditions of approval made by the RHC shall be attached to the construction documents prior to the issuance of any building permit. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or RHC. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.
- (f) If the RHC finds the proposed work will have an Adverse Effect on the Landmark, or property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior's Standard for Rehabilitation or any applicable adopted Design Guidelines, the RHC shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application

which are necessary for its approval. Within five (5) days following the meeting, the HPO shall provide the applicant and any written commentator notice in writing of the disapproval of the application and of any changes to the application which are necessary for its approval. A Certificate of Appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for its approval.

- (g) The applicant or any person adversely affected by the action of the RHC may appeal the decision to the City Commission. Appeal requests shall be filed in writing to the HPO within ten (10) days of the RHC's decision. The HPO must schedule the appeal for a public hearing at the next available regularly schedule RHC meeting. Notice of the appeal shall be posted on the property for a period of fourteen (14) days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the RHC hearing.
- (h) The City Commission shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the Richmond Subdivision Ordinance. Appeals to the City Commission shall be considered only on the record made before the RHC, and may only allege that the RHC's decision was arbitrary, capricious, or illegal.

**SECTION 12: Demolition of Landmarks**

It is the intent of this and succeeding sections to preserve the historic and architectural resources of the city through limitations on demolition and removal of Landmarks to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the city diminishes the character of the city's historic Districts and it is strongly discouraged. Instead the city recommends and supports preservation, rehabilitation, and relocation within the historic district. It is recognized that structural deterioration, economic hardship and other factors not entirely within the control of the property owner may result in necessary demolition or removal of a historic building, structure, or site. City Building Official shall be required to provide written notice to the RHC of the demolition or removal of historic buildings, structures, and sites in accordance with Section 13.

**SECTION 13: Removal or repair of hazardous or dangerous Landmarks**

- 1) If the City Building Official determines a Landmark to be structurally unsound and a hazardous or dangerous building pursuant to the provisions found in the city's adopted building code, the City Building Official shall be required to provide written notice to the RHC of the ordered removal or repair of the Landmark prior to taking such action.
- 2) The provision contained in Section 214.00111 of the Texas Local Government Code provides additional authority to the city to preserve substandard historic buildings and are effective immediately upon designation as a Certified Local Government by the US Department of the Interior, National Park Service and Texas State Historic Preservation

Officer as provided by 16 U.S.C., Section 470 et seq.; and

- 3) The property owner(s) of the demolished Landmark removed under this procedure is subject to the penalties found in Section 19 of this ordinance.

**SECTION 14: Certificate of Appropriateness for Demolition Affecting Landmarks or Historic Districts**

No person shall carry out the demolition of a Landmark or property within a District, including secondary buildings and landscape features that are not previously deemed a hazardous or dangerous building by the City Building Official, or without the review and approval of a Certificate of Appropriateness for Demolition of a Landmark or property located within a District, only if it meets compliance with one of the following:

- 1) The subject property of the application is not a recognized Landmark.
- 2) The subject building, structure or object is not an accessory building and/or landscape features that is integral to the historic interpretation or integrity of the Landmark.
- 3) The applicant is requesting a Certificate of Appropriateness for Demolition of a Landmark on the basis of Economic Hardship pursuant to Section 15 of this ordinance.
- 4) The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

**SECTION 15: Procedure for Certificate of Appropriateness for Demolition Affecting Landmarks or Historic Districts**

The procedure for obtaining a Certificate of Appropriateness for Demolition may be initiated by the city for all city-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or property within a District. The application must be submitted to the HPO for review and approval by the RHC prior to the commencement of any work. An application for Certificate of Appropriateness for Demolition shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the city fee schedule.

- 1) The application shall contain:
  - (a) Name, address, telephone number of applicant, and physical address of the individual property.
  - (b) Site plan of the individual property or map indicating the area of the proposed work showing all affected buildings and/or structures on the site.

- (c) Photographs of existing conditions as well as any available historical photographs.
  - (d) All available future development plans for the property.
  - (e) Any other information which the RHC may deem necessary pursuant to Section 15 of this Ordinance.
- 2) An individual property that is under review by the city for a Certificate of Appropriateness for Demolition shall be protected by and subject to all of the provisions of ordinances governing demolition, minimum maintenance standards and penalties until a final decision by the RHC becomes effective.
- 3) The procedure for Certificate of Appropriateness for Demolition shall be the same as provided for in Section 9 of this ordinance.
- 4) The procedure for Certificate of Appropriateness for Demolition application involving a claim of Economic Hardship shall be as follows:
- (a) Upon receipt of a completed Certificate of Appropriateness for Demolition application the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in Section 15 herein. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the application and get initial direction.
  - (b) Within five (5) days of the receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled RHC meeting. Notice of pending RHC hearing for compliance with the standards for economic hardship, the criteria for review, and notice of the hearing shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city. The owner shall be required to stabilize and secure the property subject to the penalties of this Ordinance until a final decision by the RHC becomes effective. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.
  - (c) The RHC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have the opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which shall become part of the record. The burden of proof shall be upon the applicant. In the event the RHC does not act within ninety (90) days of receipt of the application, a Certificate of Appropriateness for Demolition may be granted.



- (d) In considering the application, the RHC shall take action to postpone the application in order to establish a Stay of Demolition Period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be at least three feet by two feet (3' X 2') readable from a point of public access and state that more information may be obtained from the HPO for the duration of the stay. The owner shall conduct in good faith with the city local preservation organizations and interested parties a diligent effort to seek an alternative that will result in the rehabilitation of the Landmark. Negotiations may include, but is not limited to, such actions to utilize various preservation incentive programs, sell or lease the Landmark, or facilitate proceedings for the city to acquire the Landmark under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the Certificate for Demolition application shall be considered withdrawn and all associated applications closed.
- (e) At the end of one hundred eighty (180) days, if prior negotiation are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled RHC meeting pursuant to the same manner described above in Subsection (b).
- (f) At the end of the second hearing, the RHC may take action to approve, postpone requesting additional information or deny the application. If no hearing has been scheduled within sixty (60) days of the end of the stay period, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.
- (g) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific condition of approval (if any) supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the RHC's decision to the City Building Official. The approval shall be valid for one (1) year from the hearing date of the RHC's final decision. The historic property shall immediately be removed from the city's inventory of historic properties, the official public records of Fort Bend County, Texas and the official maps of the city.
  - (i) Prior to demolition, the city may as a condition of approval require the owner to provide documentation of the demolished historic property at the owner's expense in accordance with the standards of the Historic of American Building Survey (HABS). Such documentary may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified.
  - (ii) Forward a recommendation to the City Commission to place limitations on future development on the subject property in regard to square footage, building footprint, scale mass, height, setbacks, etc. of the demolished Landmark to help ensure infill that is architecturally compatible.

- (iii) Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.
  - (iv) Forward a recommendation to the City Commission to place limitations on future development on the subject property in regard to square footage, building footprint, scale mass, height, setbacks, etc. of the demolished Landmark to help ensure infill that is architecturally compatible.
  - (v) The city may also require the owner to incorporate an appropriate memorialization of the building, structure or site such as a photographic display or plaque into any proposed future development project on the property.
- (h) Denial of Certificate of Appropriateness application for Demolition involving Economic Hardship shall prevent the owner from demolishing the property or reapplying for another Certificate of Appropriateness application for Demolishing for a period of three (3) years from the hearing date of the RHC's final decision, unless substantial changes in circumstances have occurred other than resale of the property or those caused by acts beyond the minimum maintenance standards for the property so as not to create a hazardous or dangerous building as identified in Section 12 of this ordinance.
  - (i) The city may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.
  - (j) The owner may appeal the decision of the RHC to the City Commission. Appeal requests shall be filed in writing to the HPO within ten (10) days of the RHC's decision. The City Commission shall give notice, follow publication procedure, hold hearings, and make its decisions in the same manner as provided in the Richmond Subdivision Ordinance. Appeals to the City Commission shall be considered only on the record made before the RHC, and may only allege that the RHC's decision was arbitrary, capricious, or illegal.

**SECTION 16: Economic Hardship involving Certificate of Appropriateness for Demolition Affecting Landmarks**

- 1) Certificate of Appropriateness for Demolition involving a claim of economic hardship may not be approved, nor shall a demolition permit be issued by the city unless the owner proves compliance with the following standards for economic hardship:
  - (a) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.

- (b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
  - (c) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
  - (d) The property cannot be moved or relocated to another similar site or within the District.
- 2) The city shall review the listed factors in considering claims of economic hardship for investment for income producing and non-income properties as recommended by the RHC. Non-income properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. The information to be considered by the city includes but not be limited to the following:
- (a) Purchase date price and financing arrangements,
  - (b) Current market value,
  - (c) Form of ownership,
  - (d) Type of occupancy,
  - (e) Cost estimates of demolition and post demolition plans for development,
  - (f) Maintenance and operating costs,
  - (g) Inspection report by licensed architect or structural engineer having experience working with historic properties,
  - (h) Costs and engineering feasibility for rehabilitation,
  - (i) Property tax information,
  - (j) Rental rates and gross income from the property and;
  - (k) Other additional information as deemed appropriate.
- 3) Claims of economic hardship by the owner shall not be based on conditions resulting from:
- (a) Evidence of demolition by neglect or other willful and neglect acts by the owner,
  - (b) Purchasing the property for substantially more than market value at the time of purchase,
  - (c) Failure to perform normal maintenance and repairs,
  - (d) Failure to diligently solicit and retain tenants, or
  - (e) Failure to provide normal tenant improvements.
- 4) Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the RHC at the hearing.

**SECTION 17: Incentives**

The City of Richmond has determined that this historical district is in need of tax relief to encourage reinvestment, preservation, and renovation of this area. In order to accomplish this goal, tax abatement on part of the assessed value of such structures once they have been restored or renovated, as well as other forms of incentives, are necessary. In accordance with state law,

the City Commission finds that any building, site, or structure which meets the definition of Landmark is in need of tax relief to encourage preservation. Such properties which are substantially rehabilitated and/or restored as certified by the RHC and approved by the Fort Bend County Central Appraisal District, may have reduced assessed value for ad valorem taxes.

**SECTION 18: Repeal of Prior City Ordinances.**

The following ordinance is repealed: Ordinance 99-22, known as the City of Richmond Historical Commission and Historic District Ordinance, passed and approved July 12, 1999; and Ordinance 2012-06, known as the Richmond Historic Commission & Overlay District Ordinance, Passed and approved July 16, 2012; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 19: Appeals.**

A person may appeal any action, denial, suspension, or revocation of a permit or other action by the RHC in writing and delivered said appeal to the City Commission within ten (10) business days from the date of the notice of denial, suspension, or revocation of a permit or other action by the RHC.

- a. The City Commission shall act as the appeal hearing board in an appeal hearing under this section. The hearing board shall give the appealing party an opportunity to present evidence and make argument in his behalf.
- b. The hearing board may affirm, modify, or reverse all or part of the order being appealed. Except as provided for by state law, the decision of the hearing board shall be final.

**SECTION 20: Enforcement**

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the City Building Official to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the RHC and verification by the HPO, the City Building Official shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the RHC to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work order is in effect until a decision is rendered by the RHC on the application.

**SECTION 21: Penalties**

It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish any building or structure designated as a Landmark or in a designated District in violation of the provisions of this Ordinance. The city in addition to other remedies may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration, or demolition to restrain, correct, or abate such violation or to prevent any illegal act, business, or maintenance in and about such premises including acquisition of the property.

Any person firm or corporation violating any provision of this ordinance shall be guilty of a class C misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00). Each day the violation continues shall be considered a separate offense. Such remedy under this section is in addition to abatement and restitution.

**SECTION 22: Severability Clause**

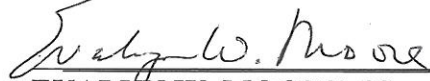
Should any paragraph, phrase, sentence, or clause of this ordinance be determined to be unconstitutional, said determination shall not affect the remaining paragraphs, phrases, sentences or clauses which shall remain in full force and effect.

**SECTION 23: Effective Date**

This ordinance shall become effective after passage and publication as required by law.

**PASSED AND APPROVED this, the 16th day of September, 2013.**

**APPROVED:**



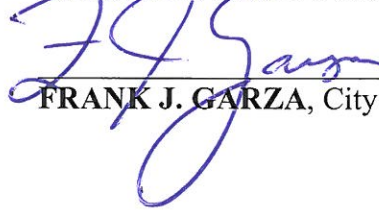
**EVALYN W. MOORE, Mayor**

ATTEST:



**MONA MATAK, City Secretary**

APPROVED AS TO FORM:



**FRANK J. GARZA, City Attorney**