



**NOTICE OF A SPECIAL MEETING OF THE
BRENHAM PLANNING AND ZONING COMMISSION
AND
THE MAIN STREET BOARD**

**TO BE HELD IN A JOINT SESSION ON
MONDAY, JUNE 28, 2021 AT 3:30 PM
THE BARNHILL CENTER
SECOND FLOOR
111 W. MAIN STREET
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

REGULAR AGENDA

4. Public Hearing, Discussion and Possible Action on the Adoption of Chapter 13 – Historic Preservation of the Code of Ordinances, City of Brenham, Texas.

5. Adjourn

CERTIFICATION

I certify that a copy of the June 28, 2021, agenda of items to be considered by the Planning & Zoning Commission was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on June 24, 2021 at 9:00 am.

Kim Hodde

Kim Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2021 at _____.

Signature

Title



HISTORIC PRESERVATION ORDINANCE

SUBJECT:

Consideration and recommendation to the Brenham City Council concerning the adoption of Chapter 13 - Historic Preservation, into the City of Brenham's Code of Ordinances.

BACKGROUND:

In 2019 the City conducted a Comprehensive Planning effort which included a large public engagement and citizen input component and resulted in the adoption of the current plan – Historic Past, Bold Future: Plan 2040. Plan 2040 included Strategic Action Priorities for the City to focus on implementing over the next 20 years. Multiple priorities were adopted in relation to preserving the City's Historic Downtown District, state and nationally recognized landmarks and historic homes within the City. As a result of Plan 2040, corresponding public interest and concern, and most recently encouragement by a local group of citizens, the Brenham City Council appointed a committee to develop a Historic Preservation Ordinance. City Main Street and Development Services Staff worked alongside the committee, meeting on average once a month since October. From the beginning, public input throughout the process was a priority. The committee produced six email newsletters between November and June. Newsletter subscribers had the opportunity to provide feedback, which was discussed and considered at each meeting. Postcards were mailed twice to downtown property owners encouraging them to subscribe and provide feedback or review the committee's progress on the City's website. An in-person public update was held on April 22, with 29 in attendance, and, in addition, Planning & Zoning, the Main Street Board, and City Council received public updates.

Along with sample ordinances from other Texas communities, the committee used a previously considered ordinance, drafted in 2009, with an overarching goal to address issues and concerns voiced at that time.

SUMMARY:

Our authentic and unique community identity is tied to the Downtown Brenham Historic District and positively impacts economic development in our area. Millions of dollars of public investment contribute to a thriving downtown district that enhances the quality of life of all Brenham citizens. With at least ten buildings within the Downtown District changing hands since late 2020, change is inevitable as Brenham grows. The Historic Preservation Ordinance will preserve the authenticity for which we are known and protect the heavy public investment made in the past 20+ years.

With the adoption of the proposed Historic Preservation Ordinance, additional Historic Districts and Local Landmarks may be designated upon request by property owners and upon review by the Historic Preservation Board.

A brief summary of the sections included within the proposed Ordinance is outlined below. The complete proposed Historic Preservation Ordinance as drafted by City Staff and the Historic Preservation Committee is enclosed.

Sec. 1. Short Title and Purpose:

- In short, this Historic Preservation Ordinance's purpose is to protect, enhance, and encourage preservation to the historic district, while also continuing to bring pride to the community, as well as visitors to the area.

Sec. 2. Definitions:

- This section lists the different terms that are used in this ordinance. These definitions will help bring clarity to what each word may mean in this particular setting.

Sec. 3. Historic Overlay District:

- Refer to map of the proposed overlay district to see the properties that will be subject to the regulations of this Ordinance if approved by Council.

Sec. 4. Historic Preservation Board:

- The Brenham Historic Preservation Board, referred to as the "Board," will be responsible for assuring that the integrity of Landmarks and properties within Historic Districts are protected. This Board will be primarily property owners within the District and will be responsible for considering requests for a Certificate of Appropriateness.

Sec. 5. Historic Preservation Officer:

- The qualified city staff person(s) will be appointed by the City Manager to serve as the Historic Preservation Officer (HPO). The Historic Preservation Officer will review Certificate of Appropriateness Applications (COA) for Insignificant Alterations and grant or deny the application based on the proposed Ordinance.

Sec. 6. Designation of Historic Landmarks or Historic Districts:

- For a new Historic District designation to be considered by City Council, 60% of the property owners (one vote per property) in the proposed district shall submit in writing their approval to be designated as a Historic District. If the request is approved, such district shall bear the words "Historic Overlay" (HO) in their zoning designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in the City's Zoning Ordinance. Historic landmark designations must be requested by the property owner. The Historic Preservation Board shall make a recommendation for or against such designation to City Council.

Sec. 7. Certificate of Appropriateness:

- Ordinary Repairs and Maintenance, defined in Sec. 2. Definitions, does not require a Certificate of Appropriateness (COA).
- Significant Alterations, as defined in Sec. 2. Definitions, must first obtain a Certificate of Appropriateness from the Board.
- All new construction in the Historic Overlay District will be reviewed by the Board to ensure the façade complements the surrounding buildings and environment in relation to design, height, scale, and setback.
- If the application qualifies as an Insignificant Alteration, an Administrative Certificate of Appropriateness may be issued by the Historic Preservation Officer without review by the Board. Any appeal of the decision will be considered by the Board.

Sec. 8. Criteria for Approval of a Certificate of Appropriateness:

- The Board or Historic Preservation Officer shall be guided by the adopted Main Street Design Guidelines, and The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings when reviewing and considering an application.

Sec. 9. Certificate of Appropriateness application procedures:

- A detailed list of application procedures and requirements are included in this section.

Sec. 10. Building Permit Required

- One must obtain a building permit from the City of Brenham Development Services Department before carrying out any significant exterior alteration, restoration, reconstruction, new construction or moving of a Landmark within a Historic District.

Sec. 11. Demolition

- Demolitions are approved by the Historic Preservation Board for properties located within the Historic District.

Sec. 12. Demolition by Neglect

- No property owner within the Historic District shall permit the property to fall into a serious state of disrepair or to allow deliberate or inadvertent neglect to the buildings or structures within the Historic District.

Sec. 13. Economic Hardship

- Property owner may submit for consideration by the Board and application claiming economic hardship within the context of the requirements of this Ordinance.

Sec. 14. Enforcement

- The Historic Preservation Officer may periodically inspect any work that was granted in accordance with a Certificate of Appropriateness to assure compliance of those requirements.

Sec. 15. Appeals

- A decision by the Board relating to economic hardship or a COA may be appealed within fifteen (15) days of receipt of the written decision. The City Council shall issue a final decision on all appeals from the Board within sixty (60) days of receiving the appeal.

Sec. 16. Tax Incentives

- Tax incentives will be provided for the renovation and rehabilitation of properties which are located within a historic district or designated as historic landmarks.

Sec. 17. Penalties

- Failure to comply with any of the provisions of this Ordinance shall be deemed a violation.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed Historic Preservation Ordinance.

WHEREAS, Section 211.001 et seq. of the Texas Local Government Code authorizes the City Council to protect and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Section 211.001 et seq. of the Texas Local Government Code authorizes the City Council to regulate and restrict the construction, reconstruction, alteration, or razing of buildings or other structures to maintain and protect heritage and property values in designated places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Section 214.001 et seq. of the Texas Local Government Code, authorizes the governing body of a municipality to, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare based on minimum standards established for the continued use and occupancy of all buildings regardless of the date of their construction; and

WHEREAS, Section 214.00111 of the Texas Local Government Code provides additional authority to preserve substandard buildings as historic property 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.; and

WHEREAS, the City Council of the City of Brenham finds that the protection, preservation and enhancement of its historically and culturally significant places, areas and structures are important elements of the economic, educational, and cultural welfare of the City of Brenham; and

WHEREAS, the City Council finds historically and architecturally significant structures within a historically and architecturally significant area should be maintained in a manner that promotes the area and serves as a stimulus to the economic viability of the structure and the area; and

WHEREAS, the City Council finds that the preservation of the historic, architectural and cultural features will stabilize property values, and promote harmonious, orderly and efficient growth of the places and areas protected by this Ordinance; and

WHEREAS, the City Council finds that the enhancement of the area and its structures is in the best interest of the general welfare of the City of Brenham;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

That the Code of Ordinances of the City of Brenham, Texas is hereby amended by adding Appendix B, to read as follows:

Sec. 1. Short Title and Purpose.

This Ordinance shall be known and may be cited as the “Historic Preservation Ordinance.” The City Council of the City of Brenham, Texas, hereby declares that as a matter of public policy the protection, enhancement and perpetuation of districts and landmarks of historical

and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that the historic districts and landmarks within the City of Brenham represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage; and, therefore, this Ordinance is intended to:

- (a) Protect and enhance the districts and landmarks which represent distinctive elements of the City of Brenham's historic, architectural, and cultural heritage;
- (b) Foster civic pride in the accomplishments of the past and to promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the City of Brenham;
- (c) Protect and enhance the City of Brenham's attractiveness to the community and its visitors, and thereby support and promote business, commerce, and industry, bringing economic benefit to the City and its citizenry;
- (d) Foster and encourage preservation, restoration and rehabilitation of properties within the historic districts and landmarks within the City, thereby preventing future blight;
- (e) Stabilize and improve the values of such properties;
- (f) Provide a review process for the continued preservation and appropriate development of the City's historic resources;
- (g) Balance the rights of the public which justify preservation of the community's history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets;
- (h) Provide assistance to property owners and tenants as well as civic organizations concerned with historic preservation; and
- (i) Provide assistance to interested property owners with regard to preservation and renovation projects, e.g. tax incentives, low interest loans, design, construction, and pre-inspection consultations.

Sec. 2. Definitions.

Words, phrases and terms not defined herein nor defined in the City of Brenham Zoning Ordinance shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

- (a) **Administrative Certificate of Appropriateness:** A document evidencing the approval of the Historic Preservation Officer, signed and dated by him or her, for Insignificant Alterations as such term is defined herein.

- (b) **Appurtenance:** Features that define the design of a building, Structure or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.
- (c) **Board:** The Brenham Historic Preservation Board.
- (d) **Certificate of Appropriateness (COA):** A document evidencing the approval of the Historic Preservation Board, signed and dated by the chairperson of the Board or the Historic Preservation Officer, as applicable, for the addition, installation, construction, alteration, change, Restoration, removal, or Demolition of any Exterior Architectural Feature, resource or other significant Appurtenance of any Historic Landmark or of any building or Structure located within a Historic District, to be issued in cases further defined in this Ordinance where approval for the same is required.
- (e) **City:** The City of Brenham, Texas.
- (f) **Demolition:** An act or process that destroys, dismantles or tears down, in part or in whole, a Landmark, or a building or Structure within a Historic District.
- (g) **Demolition by Neglect:** A situation in which a property owner allows, or is allowing, in part or in whole, a Historic Landmark, or building or Structure within a Historic District, to suffer severe deterioration beyond, or potentially beyond, the point of repair or Rehabilitation.
- (h) **Design Guidelines for Brenham Downtown Historic Overlay District:** The design guidelines for the Downtown Historic District Overlay District adopted in accordance with and as provided for by this Ordinance.
- (i) **District, Historic Overlay District, or Historic District:** An area that: 1) possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united historically or aesthetically by plan or physical development; and 2) is designated as a District, Historic Overlay District or Historic District pursuant to the applicable provisions of this Ordinance.
- (j) **Exterior Architectural Features:** The architectural style, design, general arrangement and components of all of the outer surfaces of a Structure, as distinguished from the interior surfaces, including but not limited to the kind, color and texture of the building material and the type and style of all windows, doors, lights and other fixtures of the Structure.
- (k) **Historic Preservation Officer:** The person who is appointed by the City Manager of the City of Brenham to administer the provisions of this Ordinance, or his or her designee.

- (l) Insignificant Alteration:** Minor changes to the appearance of Exterior Architectural Features of a Structure which: 1) do not require a building permit; and 2) are reviewed and approved by the Historic Preservation Officer in compliance with Section 7 of this Ordinance.
- (m) Landmark:** Refers to any individual Structure or Site that: 1) is significant for historical, architectural, engineering, archeological, or cultural reasons; and 2) is designated as a Landmark pursuant to the applicable provisions of this Ordinance.
- (n) Ordinance:** This Historic Preservation Ordinance.
- (o) Ordinary Repairs and Maintenance:** Any work, the sole purpose and effect of which is to correct or prevent deterioration, decay or damage, including repair of damage caused by storm, fire or other disaster, and which does not result in a change in the existing appearance or materials of a Structure or property. Examples of this type of work are further described in Section 7 of this Ordinance.
- (p) Overlay Zone:** A set of zoning requirements that is adopted and described in the City of Brenham's Code of Ordinances, mapped, and is imposed in addition to those of the underlying zoning district. Development and improvements within the overlay zone must conform to the requirements of both zones, or the more restrictive of the two in the case of any conflict between the requirements.
- (q) Preservation:** The act or process of applying measures to sustain the existing form, integrity, and material of a Structure, and the existing form of a Site.
- (r) Rehabilitation:** The act or process of returning a Structure or property to a state of utility through repair or alteration with makes possible an efficient contemporary use while preserving those portions or features of the Structure or property which are significant to its historical, architectural, and cultural values.
- (s) Restoration:** The act or process of accurately recovering the form and details of a Structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- (t) Significant Alteration:** Additions or changes to any part of the exterior of a Structure that require a building permit; represents new construction or is added as material to an existing feature of a Structure, as well as changes that alter design, architectural elements or character of a Structure.
- (u) Site:** The location of a significant event, historic occupation or activity, or a Structure, whether standing, ruined, or vanished, where the location itself possesses historical,

cultural, or archeological value regardless of the purely economic value of any existing Structure.

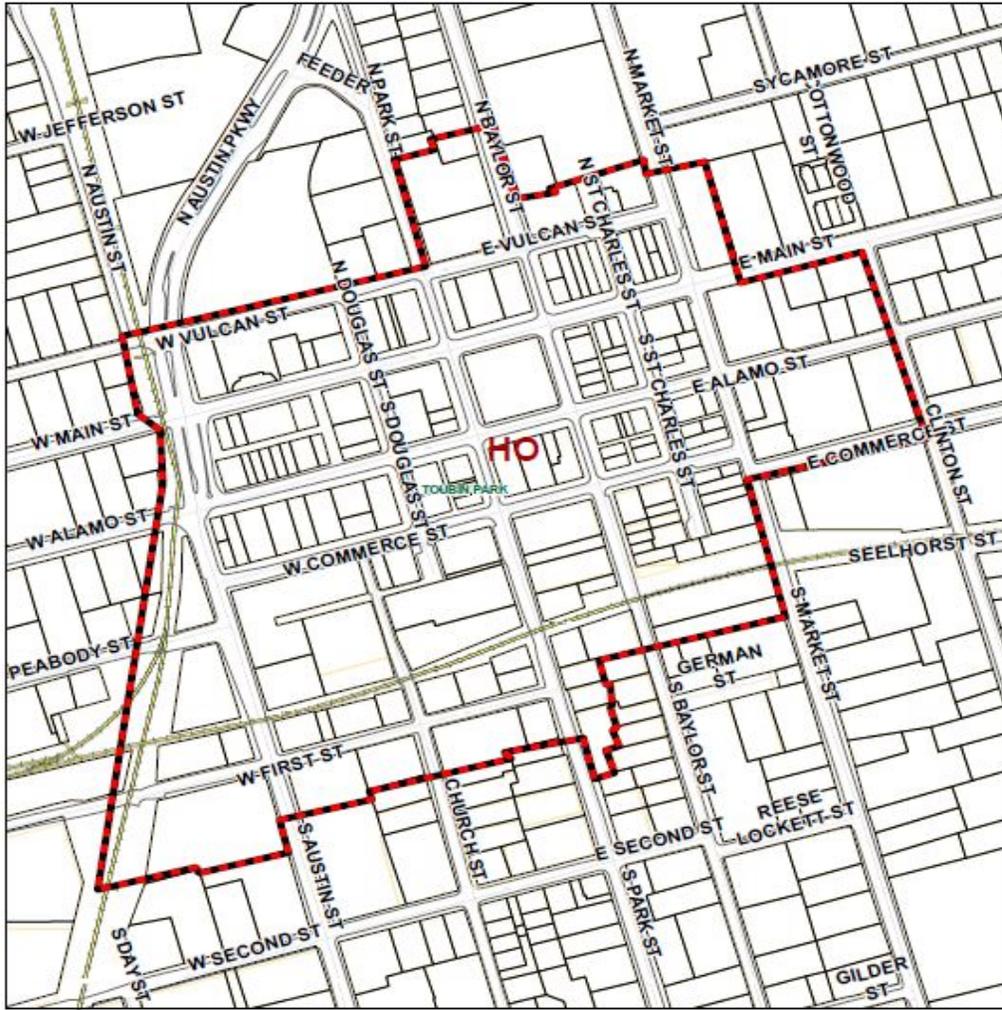
(v) Sign Standards: The applicable requirements and guidelines as are established in the City of Brenham Sign Ordinance, as may be amended from time to time.

(w) Structure: Any man-made building or object constructed or erected upon real property.

Sec. 3. Historic Preservation Overlay Districts.

The Brenham Downtown Historic District (the “Downtown Overlay District”) is hereby adopted and the boundaries, as described herein below, shall be designated with an “HO” on the official zoning map and Historic Overlay District map of the City of Brenham.

After the effective date of the original enactment of this Historic Preservation Ordinance, additional areas designated as Historic Preservation Overlay Districts in compliance with the provisions hereof shall be delineated with an “HO” on the official zoning map and Historic Overlay District map of the City of Brenham. Said Historic Preservation Overlay Districts are also sometimes referred to herein as Historic Districts or Districts.



Downtown Historic Overlay District Map Containing 49.412 Acres

Sec. 4. Historic Preservation Board.

There is hereby created a Board to be known as the Brenham Historic Preservation Board, hereinafter sometimes referred to as the “Board,” which shall be charged with the responsibility of assuring that the integrity of designated Historic Landmarks and properties within Historic Districts are protected. The members of this Board shall be subject to all requirements and provisions applicable to all board or committee members as may be established by the City Council.

- (a) The Board shall be composed of seven (7) voting members appointed by City Council, and a minimum of four (4) Board members shall be property owners within a Historic District, or an owner of a Historic Landmark. Other members should be appointed, to the extent possible, from the following categories: architect with historic preservation experience; planner; design professional; historian; licensed real estate broker; attorney; or member of a historic preservation society.

- (b) All Board members shall have a known and demonstrated interest, competence, or knowledge of historic preservation within the City, or in general.
- (c) Board members shall serve for staggered terms of three (3) years. For the initial Board members, the Historic Preservation Officer shall draw lots to establish the staggered terms with four (4) of the initial Board members serving 2-year terms and the remainder serving a full 3-year term. Board membership shall be limited to two (2) full consecutive terms, with a minimum one (1) year absence from the Board before consideration for reappointment.
- (d) The Chair and Vice-Chair of the Board shall be elected by and from the members of the Board and shall serve as said officers for a term of one (1) year.
- (e) The Board shall meet monthly if business is at hand. Special meetings may be called at any time as requested by the Historic Preservation Officer. All meetings shall be held in conformance with the Texas Open Meetings Act.
- (f) A quorum shall consist of not less than four (4) members.
- (g) The Board shall:
 1. Establish criteria for the identification of historic, architectural and cultural Landmarks.
 2. Recommend conferral of recognition upon the owners of Landmarks or within Districts by means of certificates, plaques or markers.
 3. Increase public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Officer.
 4. Make recommendations to the City Council concerning the utilization of local, state, federal or private funds to promote the preservation of Landmarks and Historic Districts within the City.
 5. Grant or deny Certificates of Appropriateness for Significant Alterations in accordance with Sections 8 and 9 of this Ordinance.
 6. Adopt specific design guidelines for the review of new Landmarks and new Districts to ensure compatibility within the District.
 7. Prepare and submit to the City Council an annual report on the state of historic preservation in the City, a summary of activities for the past year and a proposed program for the next year.
 8. Perform any other such activities necessary to achieve the goals of this Ordinance, and other duties as assigned by the City Council.
 9. Review and make comments to the Texas Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
 10. Monitor and report to the Texas Historical Commission any actions affecting any county courthouse, Recorded Texas Historic Landmark, State Antiquities Landmark, National Register property, and any locally designated landmark.

Sec. 5. Historic Preservation Officer

The City Manager shall appoint a qualified City staff person to serve as the Historic Preservation Officer (“HPO”). The HPO shall administer and enforce the terms of this Ordinance as provided herein and advise the Board, as an ex-officio member, on matters submitted to it.

The HPO shall review Certificate of Appropriateness Applications for Insignificant Alterations and grant or deny the application.

As the City of Brenham liaison to the Board, the HPO will ensure proper posting and noticing of all Board meetings, schedule applications for Board review; provide information packets to its members prior to the meetings, record meeting minutes and facilitate Board meetings.

In addition to serving as liaison to the Board, the HPO will maintain an inventory of significant historic, architectural and cultural Landmarks and Historic Districts within the City.

The HPO is responsible for coordinating the City’s preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.

Sec. 6. Designation of Historic Landmarks or Historic Districts

(a) Historic Districts

Historic District zoning designation. Designation of a Historic District will be considered by City Council if requested by at least sixty percent (60%) of property owners (one vote per property) within the proposed district and upon recommendation by the Historic Preservation Board and Planning and Zoning Commission. Such districts shall bear the words “Historic Overlay” (“HO”) in their zoning designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in the City’s zoning ordinance and in this Ordinance.

(b) Historic Landmarks

Historic landmark designation. Individual historic sites may be designated only upon the request of the property owner. Pursuant to Texas Local Government Code Section 211.0165(e), the City shall allow the property owner to withdraw the designation request/consent at any time during the Historic Landmark designation process. Following an owner’s application, the Historic Preservation Board shall make a recommendation for or against such designation to the City Council which may designate certain buildings, sites, structures and objects as Historic Landmarks. Each such property or Resource shall bear the words “Historic Landmark” (“HL”) in its zoning designation. Such designation shall indicate that such property/Resource is

subject to the terms of this Ordinance. Provided, however, with regard to site plans, uses, setback and other development and/or building regulations, such property shall be governed by its zoning district.

(c) Criteria

1. *Historic District criteria.* In making the designation of an area as a historic district, the City Council shall affirmatively find that the area has one or more of the following characteristics:
 - a. Possesses significance in history, architecture, archeology and/or culture.
 - b. Is associated with events that made a significant contribution to the broad patterns of local, regional, state and /or national history.
 - c. Is associated with the lives of persons significant in our past.
 - d. Embodies the distinctive characteristic of a type, period and/or method of construction.
 - e. Represents the work of a master designer, builder and/or craftsman;
 - f. Represents an established and familiar visual of the City.
2. *Historic Landmark criteria.* In making the designation of a place as a historic landmark, the City Council shall follow the criteria set forth in the historic district criteria subsection of this section as the same relate to an individual property, part of a property or Resource thereof.

(d) Applications for Designation of Historic District or Historic Landmark

1. Applications to designate or change the boundaries of a historic district or to designate a historic landmark must include:
 - a. A legal description of the boundaries of the district or site on which the historic landmark is located;
 - b. A photograph or photographs of each contributing building, structure, site, area or land;
 - c. A description of all buildings, structure, site, area or land showing the condition, color, and architectural style of each and:
 1. Date of construction, if known;
 2. Builder or architect, if known;
 3. Chain of uses and ownership;
 4. Building materials;
 5. Construction technique; and

6. Summary of recognition of state or national government including reason designated, if applicable.

d. A statement of reasons for recommending designation or changes to the historic district or designation of the historic landmark, including a list of contributing buildings, structures, sites, areas or lands of importance and a description of the particular importance of each contributing building, structure, site, area or land;

e. Findings supporting designation of or change to the historic district or designation of the historic landmark according to the criteria in this section and indicating the particular importance or value of the historic district or the historic landmark; and

f. Signature of applicant. Eligible applicants are: property owner [or 60 percent of owners (one vote per property) in a proposed historic district of more than one property]; Historic Preservation Board (historic district only); or Historic Preservation Officer (historic district only).

2. The Board shall conduct a public hearing on the proposed historic district or historic landmark. At least fifteen (15) days prior to the date of the Board's hearing concerning a proposed Historic Landmark designation, the City must provide the property owner a statement that describes the impact that the Historic Landmark designation of the owner's property may have on the owner and the owner's property. The Historic Landmark designation impact statement must include a list of the: (1) regulations that may be applied to any structure on the property after the designation; (2) procedures for the designation; (3) tax benefits that may be applied to the property after the designation; and (4) rehabilitation or repair programs that the City offers, if any, for a property designated as a Historic Landmark. The property owner may, in the property owner's written application for the designation of a Historic Landmark, waive the right to require the City to provide the Historic Landmark designation impact statement to the property owner.

3. At the Board's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of the record regarding the historic, architectural, or cultural importance of the proposed historic district or historic landmark. The Board shall prepare a recommendation on the proposed change stating its findings and evaluation within thirty-two (32) days subsequent to the hearing on the proposed designation.

Sec. 7. Certificate of Appropriateness.

(a) Ordinary Repairs and Maintenance as defined above does not require a Certificate of Appropriateness.

Ordinary Repairs and Maintenance include, but are not limited to:

1. Painting an already painted surface the same color;
2. Repair of architectural features using the same materials;
3. New roof, if not seen from public right-of-way;
4. Cleaning a Structure with low-to-mid pressure power washing;
5. Replacement of mechanical equipment; and
6. Replacement of foundation work, chimney work, or similar if no change in appearance occurs.

(b) Any person performing Significant Alterations must first obtain a Certificate of Appropriateness from the Board.

Significant Alterations include, but are not limited to:

1. Work requiring a building permit to meet construction requirements in accordance with adopted codes and ordinances, unless otherwise specified herein;
2. Work that represents new construction and is added as material to an existing feature of a building;
3. Changes that alter design, architectural elements or character of a building; and
4. Moving or demolition of a Landmark or property within a Historic District visible from the public right-of-way.

(c) **New construction in Historic Districts.** The Historic Preservation Officer, or the Board, if requested by the applicant, will review all new construction plans within Historic Districts in order to ensure the exterior architectural features visually complement the surrounding buildings and environment in relation to design, height, scale, and setback.

(d) Provided the application sought to be approved qualifies as an Insignificant Alteration, an Administrative Certificate of Appropriateness may be issued by the Historic Preservation Officer as an administrative matter without review by the Board. Any appeal of the decision shall be considered by the Board.

Insignificant Alterations include, but are not limited to:

1. Changes to exterior paint colors on previously painted surfaces;
2. Replacement of a non-historic door with one in keeping with the character and era in which the building was built;
3. Removal of non-historic features such as burglar bars, awnings, shutters;
4. Removal on non-historic siding to expose historic siding;
5. Elements attached to the exterior of any building or structure, including door hardware, hinges, mailboxes, and light fixtures; and
6. Minor modifications to an existing Certificate of Appropriateness that, after modification, still meets the intent of the original approval.
7. Repainting or refurbishing a “mural,” as defined in the City’s Sign Ordinance.

Sec. 8. Criteria for approval of a Certificate of Appropriateness.

In considering an application for a Certificate of Appropriateness or Administrative Certificate of Appropriateness, the Board or Historic Preservation Officer shall be guided by any adopted design guidelines, and the following from *The Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings*. Any adopted guidelines and the *Secretary of the Interior’s Standards* shall be made available to the public through the office of the Historic Preservation Officer and on the City’s website.

The guidelines and standards adopted by this Ordinance are not intended to apply to the design, construction, and aesthetics of the interiors of buildings and Structures.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a historic building, structure, object, or Historic Property of any kind and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) All buildings, structures, objects and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These

changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be retained wherever possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (j) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

Sec. 9. Certificate of Appropriateness application procedures.

- (a) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner or the owner's representative shall file an application and supporting materials for such certificate, and one (1) complete copy of the application and supporting materials, with the Historic Preservation Officer, who shall forward one (1) copy of the application and supporting materials to the City's Building Official or designee.

The property owner or the owner's representative shall consult with the Historic Preservation Officer prior to submission of the application with regard to the applicable standards and guidelines for the property.

- (b) The application shall contain all of the following information and items (except where otherwise noted):
1. Name and signature of applicant and property owner.
 2. Mailing address, phone number and email address of applicant and address, phone number and email address of property owner.
 3. The location and photographs of the existing conditions of the property and adjacent properties.
 4. A detailed description of the nature of the proposed work.
 5. Samples of materials to be used, including paint color chips that will be used.
 6. Evidence of historic authenticity (photographs). (Significant Alterations only)
 7. Site plan and exterior elevations (Significant Alterations only)
- (c) The Board shall review the application at a regularly scheduled, or specially called meeting within thirty-five (35) days from the date that the application was received. The Board may hold any additional meetings needed within sixty (60) days of the application. Should the Board not act within the 60-day period, the Certificate of Appropriateness shall be deemed automatically approved.
- (d) If the Historic Preservation Officer determines that the application is for an Insignificant Alteration, he/she may, within fourteen (14) days, approve the application. *The Secretary of the Interior's Standards for Rehabilitation* will be used in assessing the application.
- (e) All decisions of the Board and Historic Preservation Officer shall be in writing. Decisions shall state findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant, and a copy attached to the building permit for public inspection.
- (f) A certificate will expire twelve (12) months after its issuance but will continue as long as work is not discontinued for a period of twelve (12) months, in which a case a new certificate is required. In the event a certificate expires and is discontinued, the HPO is authorized to administratively approve a new certificate having identical terms and provisions as the original certificate.
- (g) Certificates of Appropriateness may be issued for distinct and separate phases of an ongoing project.

Sec. 10. Building permit required

No person shall carry out any significant exterior alteration, restoration, reconstruction, new construction or moving of a Landmark or property within a Historic District without first obtaining a building permit from the City of Brenham Development Services Department.

Sec. 11. Demolition.

- (a) A permit for the demolition of a Historic Landmark or property within a Historic District, including secondary buildings, shall not be granted by the City's Building Official without the review of a completed application and issuance of a Certificate of Appropriateness for demolition by the Board.
- (b) The Board shall hold a public hearing on each application within sixty (60) days from the date the application is received by the City of Brenham Development Services Department. Following the hearing, a 60-day stay of demolition is required. The Board has thirty (30) days in which to prepare a written recommendation to the Chief Building Official. In the event that the Board does not act within one hundred twenty (120) days of the receipt of the application, a permit shall be granted.
- (c) The City of Brenham retains all of the rights and remedies to obtain damages for demolition of Historic Property set forth in Texas Local Government Code Section 315.006, as may be amended from time to time, and in accordance with additional rights as may be available in law or equity.
- (d) Nothing herein shall be construed to impair, limit or suspend the emergency powers of the City of Brenham and its officials pertaining to demolition of structures in cases of emergency, such as calamity or natural disasters.

Sec. 12. Demolition by Neglect.

- (a) No owner or person with an interest in real property designated as a Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Board, produce a detrimental effect upon the character of the Historic District as a whole, or the life and character of the property itself. It is the intent of this Ordinance to preserve from deliberate or inadvertent neglect the exterior features of the buildings and structures so designated or included within the District and the interior portions thereof, when such maintenance is necessary to prevent deterioration and decay of the exterior.
- (b) All historical buildings or structures shall be preserved against decay and deterioration and free from structural defects through prompt corrections of any of the following defects:
 - (1) Facades which may fall and injure persons or property;
 - (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

- (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- 4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering;
- (6) Any fault or defect in the building or structure which renders it not properly watertight or structurally unsafe; and
- (7) Deterioration of any feature as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

Sec. 13. Economic Hardship

- (a) After receiving written notification from the Board of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Board makes a finding that hardship exists.
- (b) When a claim of economic hardship is made due to the effect of this Ordinance, the owner must prove that:
 1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 2. 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; and
 3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (c) The applicant shall consult in good faith with the Board, 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 shown to the Board.
- (d) The Board shall hold a public hearing on the hardship application and notify all property owners within the applicable historic district or those within 200 feet of a landmark at which an opportunity will be provided for proponents and opponents of the application to present their views.
- (e) All decisions of the Board shall be in writing. A copy shall be sent to the applicant by certified mail and a copy filed with the City Secretary's office for public inspection.

The Board's decision shall state the reasons for granting or denying the hardship application.

Sec. 14. Enforcement.

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to any requirements included therein. The City's Historic Preservation Officer may inspect periodically any such work to assure compliance with the Certificate of Appropriateness. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness, the Historic Preservation Officer shall issue a stop work order to the contractor and property owner, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Work may be reinstated, however, upon assurance that compliance will henceforth exist. Irrespective of the provisions in this Ordinance, the City's Building Official or designee may inspect properties to ensure compliance with building regulations as necessary.

Sec. 15. Appeals.

Any person aggrieved by a decision of the Board relating to Economic Hardship or a Certificate of Appropriateness may, within thirty (30) days of receipt of the written decision, file a written application with the City Council, through the office of the City Secretary, for review of the decision and the approval, denial, modification of, or deviation from, the Board's decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council shall issue a final decision on all appeals from the Board within sixty (60) days of receiving the appeal. The City Council's decision shall be final.

Sec. 16. Tax Incentives

The purpose of this section is to encourage historic preservation by providing tax incentives for the renovation and rehabilitation of properties which are located within a historic district or designated as historic landmarks.

(a) Criteria

In accordance with Section 11.24 of the Texas Tax Code, the owner of a building and/or structure may apply to the City Council for a tax exemption if the following criteria are met:

- (1) The building and/or structure is designated as a historic landmark or located within a historic district; and
- (2) The site has been designated as a local historically significant site in need of tax relief to encourage its preservation;

- (3) The building and/or structure has been substantially rehabilitated and/or restored as authorized by the Brenham Historic Preservation Board; and
- (4) The building and/or structure is maintained in compliance with all applicable City codes and regulations.

(b) Available Tax Incentives

The period of tax exemption for a building or structure shall run concurrently. Property owners with more than one historic landmark or structure within a historic district may be eligible for multiple exemptions. Eligible properties that meet the criteria established herein shall be entitled to the following municipal tax incentives:

- (1) The increase in appraised value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of three (3) years when the property owner(s) expend \$5,000.00 - \$25,000.00 on eligible improvements;
- (2) The increase in appraised value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of five (5) years when the property owner(s) expend \$25,000.01 - \$50,000.00 on eligible improvements; or
- (3) The increase in appraised value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of seven (7) years when the property owner(s) expend more than \$50,000.00 on eligible improvements

(c) Eligible Improvements

Eligible improvements shall consist of all improvements and work performed on a building or structure, classified as historic landmark or located within a historic district and thereby considered to be a local historically significant site as contemplated by Section 11.24 of the Texas Tax Code, which are completed pursuant to a valid Certificate of Appropriateness.

(d) Application for Tax Incentive

An Application for Tax Incentive shall be filed with the Historic Preservation Board. In the event the Application for Tax Incentive is received and the Board deems the improvements to qualify as eligible improvements under the terms set forth herein, the Historic Preservation Board shall approve the Application for Tax Incentive and forward the Application to the City Council with a recommendation for final approval. The Application for Tax Incentive may be processed concurrently with the application for a

Certificate of Appropriateness. Each application shall be signed by the owner(s) of the property and shall include the following:

- (1) The legal description and address of the property;
- (2) Proof of ownership of the property;
- (3) A written statement of the owner describing the historic, cultural, architectural or archeological significance of the structure in need of municipal tax relief to encourage its preservation;
- (4) Proof that the taxes on the property are not delinquent; and
- (5) A statement of costs for the project that must be validated upon conclusion of the project by the City Building Inspector.

(e) City Council Review

Upon the approval of an Application for Tax Incentive by the Brenham Historic Preservation Board, the City Council shall consider the Application to determine its compliance with the requisites stated herein. In the event the Application is deemed in compliance, the owner(s) of the property shall be entitled to the tax incentive. The tax exemption applies only to City property taxes and not to taxes assessed by or payable to any other taxing units. The property owner(s) will be responsible for obtaining a copy of the documentation, certified by the City Secretary, evidencing the City Council's approval of the Application and submitting that information to the Washington County Appraisal District for processing. Further, in order to receive the tax exemption, the property owner(s) shall be responsible for timely filing an application for tax exemption each year with the Washington County Appraisal District in accordance with the applicable provisions of the Texas Tax Code. The tax exemption runs with the property notwithstanding any change in ownership, provided the property owner(s) comply with the applicable provisions of this Ordinance and the Texas Tax Code.

Sec. 17. Penalties.

Failure to comply with any of the provisions of this Ordinance shall be deemed a violation, and the violator shall be liable for a misdemeanor charge and be subject to fine not to exceed \$100.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Notwithstanding the preceding sentence, the City may bring a civil action to enjoin any violation of the terms of this Ordinance or an action for mandatory injunction to remove any previous violation hereof.

Design Guidelines
for the
Brenham Downtown
Historic District

Brenham, Texas

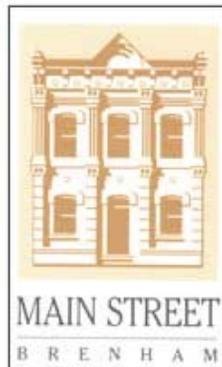


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Introduction

These Guidelines are a mechanism for the maintenance and improvements to the site and buildings of the Brenham Downtown Historic District. It is not the intention of the Guidelines to restrict the use and appearance of each property but rather to preserve the historic character and integrity of the buildings and district through the use of appropriate limits of change. The document is intended to guide the property owner and Historic Preservation Board in making appropriate decisions about maintenance and improvement of the historic structures and surrounding property.

These Guidelines shall be used in conjunction with and shall not supercede the following Codes and Standards:

- All applicable local building codes
- *The Secretary of the Interior's Standards for the Treatment of Historic Properties*
- *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings.*
- State of Texas Historic Preservation Ordinances
- Local Historic Preservation Ordinances

A local tax phase-in program is available for major renovation projects that increase the appraised value of the property by at least \$50,000.00. There is also an Incentive Grant Reimbursement Program for exterior finishes and signage. More information is available at the Main Street office at (979) 337-7384.

Many of Brenham historic downtown structures are contributing resources to the Brenham Downtown Historic District listed on the National Register of Historic Places in 2004. In order to be considered contributing, properties must exhibit the applicable National Register criteria:

- Property is associated with events that have made a significant contribution to the broad patterns of our history.
- Property is associated with the lives of persons significant in our past.
- Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinction.
- Property has yielded, or is likely to yield, information important in prehistory or history.

Properties that have been altered or destroyed since their designation may not be considered as a contributor and will lose eligibility for grants and incentives. A copy of the National Register Application may be viewed at the Main Street office at City Hall.

Properties that are currently listed are eligible for tax incentives. For more information, contact the Texas Historical Commission.

Purpose

The purpose of these Guidelines is to preserve the historic character and integrity of the Brenham Downtown Historic District established in 2004. The structures in the district should be preserved in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties and The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings.

The intent of which is to identify, retain, and preserve “the form and detailing of those architectural materials and features that are important in defining the historic character.” It is expected that the property owner will protect and maintain materials and features that are historically significant, repair when character-defining materials warrant additional work, and replace features with new materials where the level of deterioration or damage precludes repair.

This document may be used to guide both the maintenance and improvement of the historic structures. Each of the historically significant features and materials of the structures is outlined in the Guidelines. In conjunction with *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*, these Guidelines provide specific direction for the replacement of damaged or deteriorated features and other improvements, which are necessary updates for contemporary use and are consistent with the historic character of the original structures.

The Secretary of the Interior's Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

<https://www.nps.gov/tps/standards.htm>

The Secretary of the Interior’s Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

<https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>

Planning for Preservation and Rehabilitation

1. Inspect the existing condition of the structure. Note features and materials that are in need of maintenance or repair. Determine the priorities for work. It is recommended that structural components and integrity of the exterior envelope (roof, walls, windows, doors) be given priority for work prior to proceeding with other repairs or alterations.
2. Confirm features and materials that are character defining and contribute to the historic qualities of the property.
3. Consider the requirements and options to achieve the functional, structural, and aesthetic alterations and additions desired. Choose the options which best preserve the historic character of the property.
4. Confirm applicable codes and standards for the proposed scope of work. Verify impact of codes and standards on the intent of the alterations and consistency with preservation of the historic character of the property.
5. Contact local and state historic preservation offices for further assistance with project compliance.

Local: Main Street Brenham (979) 337-7384

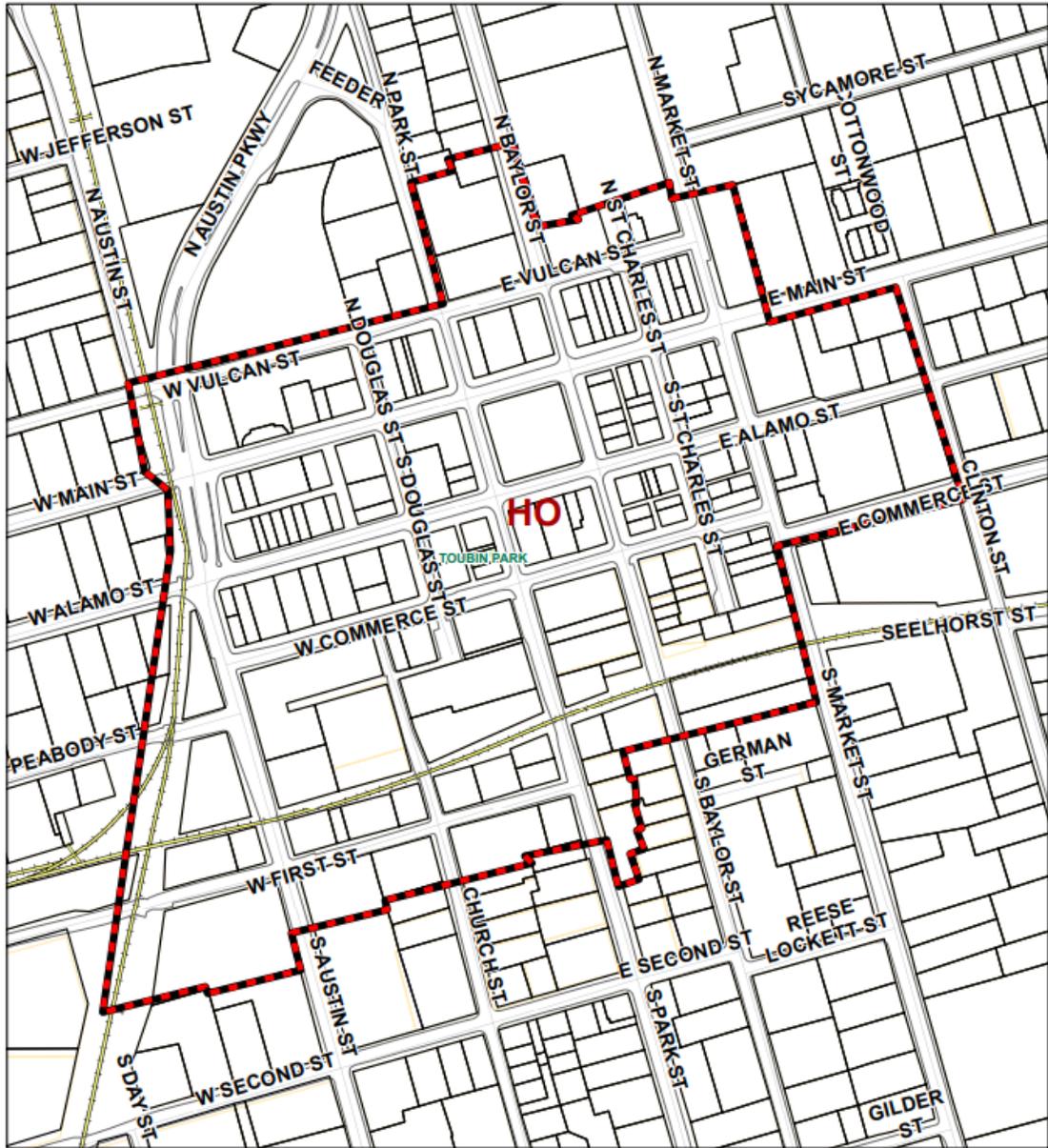
State: Texas Historical Commission (512) 463-6100

Website: www.thc.texas.gov

Email: thc@thc.texas.gov

6. Proceed to develop a plan for project construction in accordance with these Guidelines.

Map of the HPO Overlay District



Proposed HPO District

1 inch = 300 feet

-  Historic District Boundary
- HO** Historic Overlay District



Building Exterior – Masonry

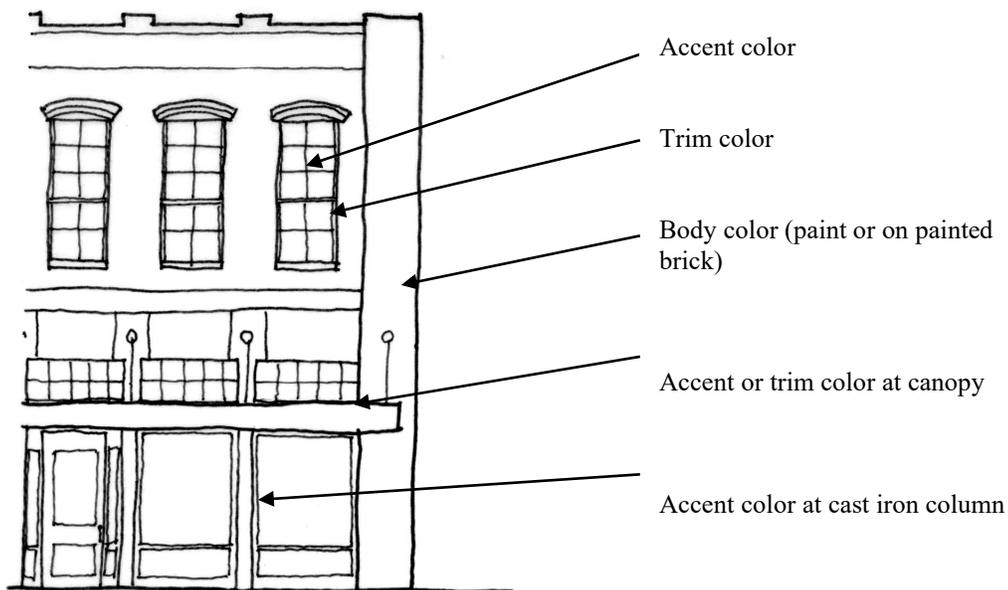
- Existing, unpainted masonry surfaces shall not be painted without receiving a Certificate of Appropriateness.
- Existing masonry surfaces shall be maintained. Damaged materials, when removed, shall be replaced with materials that are the same as or, if approved by the Historic Preservation Officer, similar to the existing masonry.
- Existing concrete surfaces shall be maintained. Damaged materials, when removed, shall be patched and repaired such that the coloration and texture is consistent with the existing concrete.
- Existing, unpainted concrete steps, walls, and floors at the exterior may not be painted without receiving a Certificate of Appropriateness.
- Proper maintenance of exterior masonry surfaces includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
- Masonry shall be repointed if necessary. Repointing is the repair of cracks or damaged mortar joints and is considered a significant alteration, requiring an Administrative Certificate of Appropriateness. The new mortar shall be consistent with the original mortar in type, strength, and coloration. In addition, the joint type and thickness should not be modified.

Building Exterior – Wood

- Existing wood surfaces shall be maintained. Damaged materials, when removed, shall be selectively replaced with wood siding and trim that maintain the dimensional, texture, and detail characteristics of the existing materials.
- Proper maintenance of exterior wood surfaces includes:
 - Cleaning surfaces with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
 - Frequently inspecting painted wood surfaces to ensure that the paint will protect the wood from the elements.
- Wood siding and trim may not be replaced or concealed by synthetic wood surfaces such as:
 - Vinyl siding and trim
 - Aluminum siding and trim
 - Cementitious siding and trim

Building Exterior - Paint

- Existing painted surfaces may contain lead. Prior to undertaking any necessary paint removal, refer to the National Park Services *Health and Safety Considerations* for more information.
- Existing painted surfaces shall be maintained. Damaged or deteriorating paint may be removed using the gentlest methods possible. Refer to *Health and Safety Considerations* for more information on paint removal.
- Original masonry surfaces shall be maintained and not painted unless severe deterioration of the brick or stone can be shown to require painting. If color or texture of replacement brick or stone cannot be matched with existing, painting may be an appropriate treatment.
- Proper maintenance of exterior painted surfaces includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
 - Frequently inspecting painted wood surfaces to ensure that the paint will protect the wood from the elements.



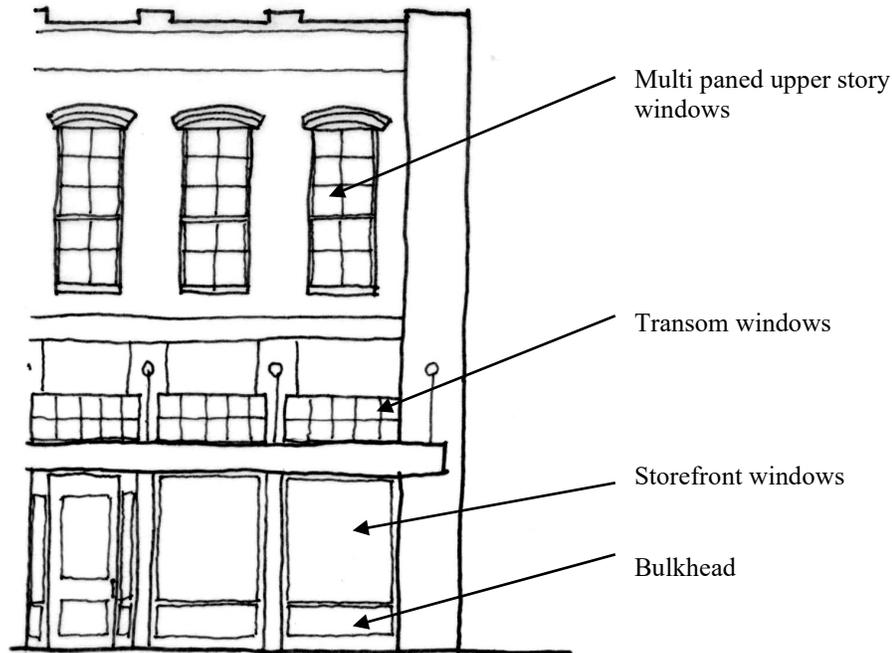
Building Exterior – Architectural Metals

- Existing metals, including gutters and downspouts, decorative railings, and flashings, shall be preserved and maintained. Damaged materials, when removed, shall be replaced with materials that match as closely as possible to the original metalwork.
- Existing exposed copper gutters and downspouts should be cleaned regularly for proper maintenance. If replacement of components is necessary, existing materials, forms, and finishes should be matched.
- Existing concealed gutter and downspout systems shall be retained in their original design and operation. Systems shall be cleaned regularly for proper maintenance. If repair is required, care shall be exercised in the removal and replacement of trim, flashings, and other components. Gutters and downspouts shall be replaced with components of the same material and size to prevent conflicts between incompatible materials.
- Existing decorative metal railings should be repaired and maintained. If replacement is needed, railings may be removed or replaced with metal or wood railings that meet local building code requirements and preserve the historic character of the structure.
- Existing metal flashings shall be maintained. If new flashings are required to prevent water penetration, the new material shall match the old in type, size, thickness, and installation pattern.
- Proper maintenance of metal surfaces includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
- Decorative metals shall be painted with an appropriate coating to protect the element from corrosion.

Building Exterior – Roofs

- Existing exposed roofing materials that are visible from the right of way, shall be maintained. Damaged materials, when removed, shall be replaced with materials that are the same as or, if approved by the Historic Preservation Officer, similar to the existing roof.
- Roof slopes and profiles may not be altered. Damaged or deteriorated roof framing and decking shall be repaired and replaced with materials and methods consistent with the original roof framing system.
- If a new roof is required, the original roof shall be removed in its entirety. No layering of roofing materials will be accepted. Roofing selection shall be appropriate to the roof configuration and slope.
- Replacement roofs may include the following: Color limitation and types are noted as well.
 - Wood Shingle
 - Clay tile – Tile should match existing in size, shape, texture, and coloration.
 - Asphalt Composition Shingle – Composition shingle roofs are not historic in nature but will be accepted as a lower cost, low maintenance, durable roofing product that does not detract from the historic character of the structures.
 - Standing Seam Metal – Metal is an excellent choice for those roof areas that do not achieve the slope required for shingle roofs. New Metal roofs may be used as the main roofing material. Roof framing should be examined for structural integrity.
 - Membrane Roofing – Existing roofs concealed by a parapet wall may be replaced with PVC or TPO membrane roofing. Ensure that parapet caps are retained such that the appearance from the street has not been altered or compromised.
- Proper maintenance of roofing materials includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.

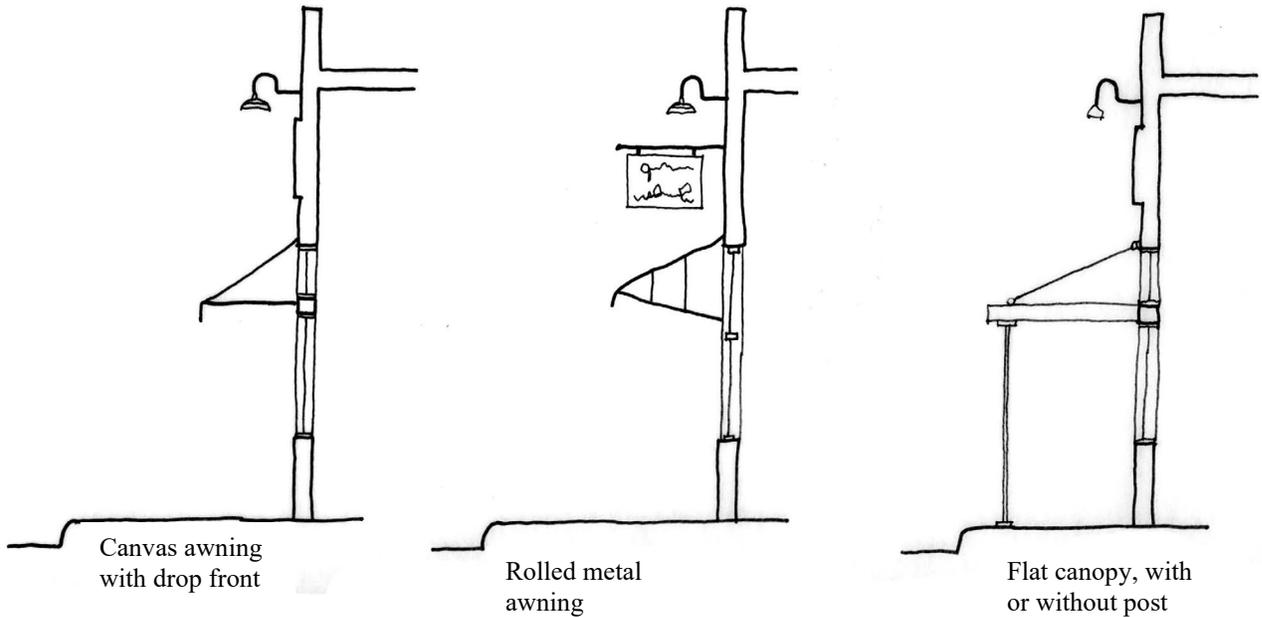
Building Exterior - Windows



- Existing historic windows shall be maintained. Damaged materials, when removed, shall be selectively replaced with materials and components that are the same as, or if approved by the Historic Preservation Officer, similar to the original glass and finish.
- Maintain original elements of the storefront design: cornices, transoms, display windows, cast iron columns, kick plates and spandrels. Maintain recessed entries where they existed. They provide weather-protection, protect pedestrians from opening doors, and add attractive detail to the storefront. Do not recess entire storefront.
- Multiple paned windows are important elements of upper story windows, while storefront windows shall consist of larger sheets of glass to maximize visibility of merchandise. Dark tinted glass is inappropriate for retail space (refer to “Windows,” pg 21).
- If replacement windows are required, they shall match the existing windows in size, operation, configuration and appearance. New windows shall utilize the rough openings of the existing windows. Piecemeal infill of the existing openings is not acceptable. Windows should have the same light patterns and muntin bar dimensions as the original windows. The finish of new and existing windows shall match in coloration.

- All replacement glazing shall be clear. No tinting or reflective film will be accepted.
- Windows should not be replaced solely for energy conservation. Refer to *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings* for strategies to enhance the solar and thermal performance and utilize the existing windows.
- Proper maintenance of windows includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.

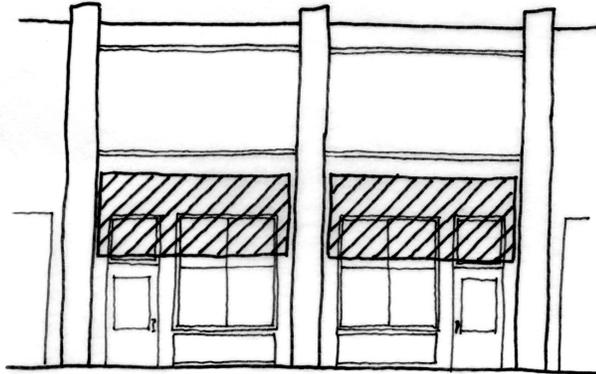
Awnings and Canopies



- Rolled or flat metal canopies, similar to styles formerly seen in Brenham, may be used. Awnings or canopies may be attached either above transoms or between the transoms and display windows.
- Awnings shall be made of canvas or other fabric material. Canvas awnings are typical of historic buildings. Plastic or backlit awnings may not be used.
- Awnings may be a “drop-front” style.
- The modern bubble design, often used on commercial buildings, detracts from historic architectural styles and is typically not appropriate for commercial structures.
- All awnings or canopies shall provide at least 8 feet of clearance above grade.
- Canopies shall be made of metal or wood. Plastic components or other synthetic materials shall not be used.

Awnings and Canopies

- Awnings shall not be continuous across a facade, but rather relate to each bay or window.



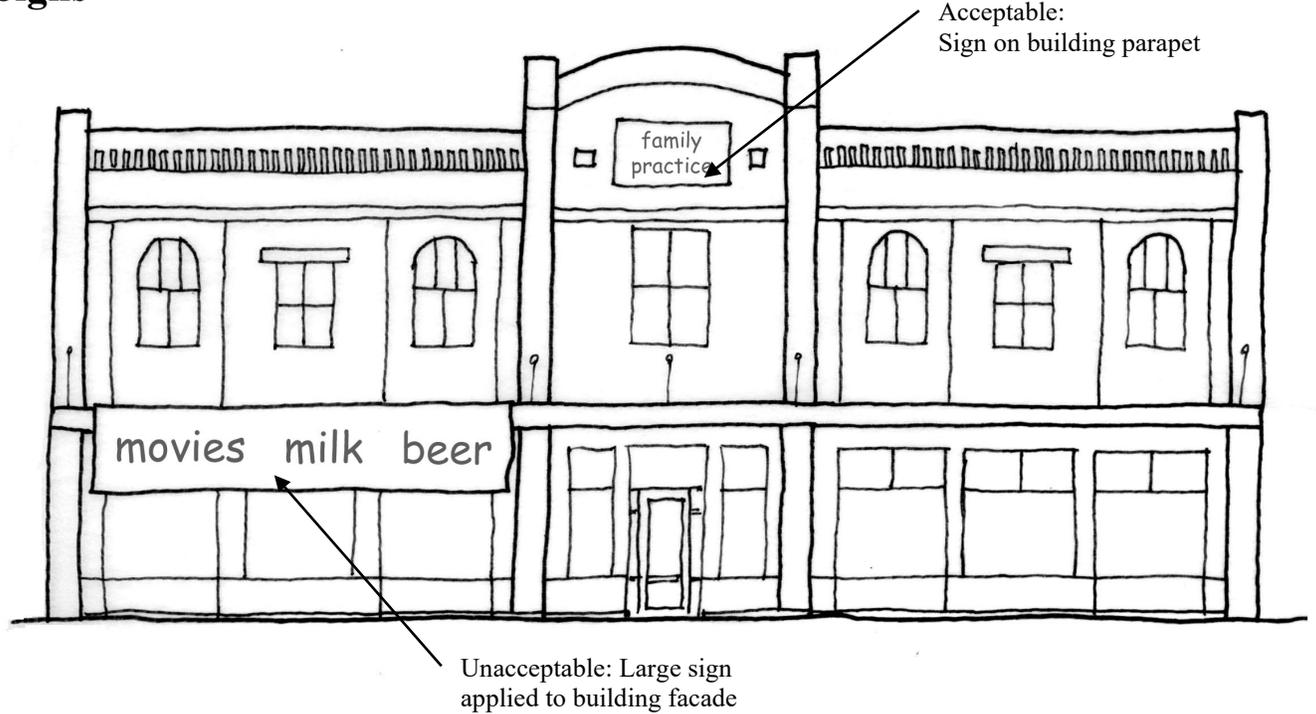
The rhythm of awnings at left is typical of historic commercial styles, and provides greater interest to pedestrians.



This continuous type of awning is unacceptable.

Commercial Awning Rhythm

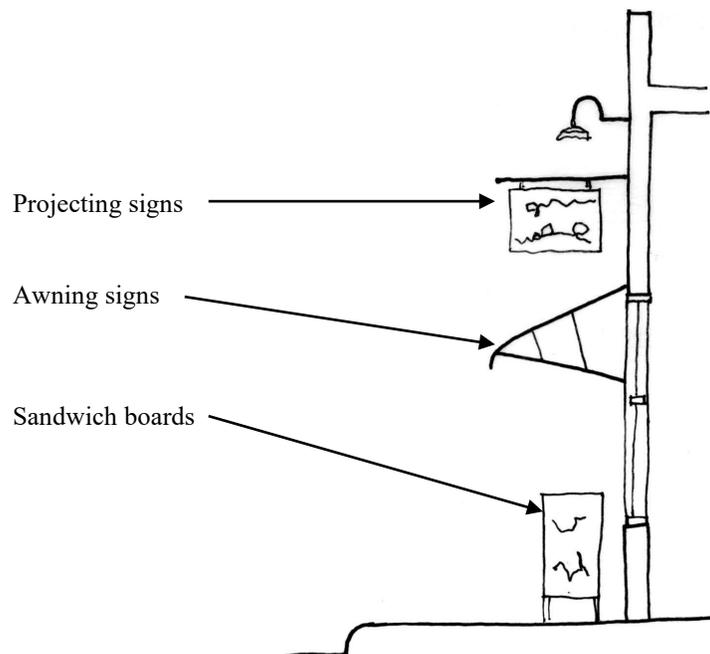
Signs



- In retail areas, focus on merchandise, not signs.
- Signs which compete for attention detract from the Historic District as a whole. Signs shall not cover transoms or historic building features.
- Avoid clutter and limit the number and size of signs.
- In commercial areas, the building itself may be considered part of the sign. The use of awnings and projecting signs are encouraged.
- In general, signs may be small and limited to one per business on buildings with multiple tenants. Avoid garish colors or patterns, but use the detail and style of the building's architecture to speak for the business. Locate signs so they relate to architectural features of the building.
- Typical signs at commercial buildings in the past included parapet signs above storefronts within panels of the parapet and signs painted on windows. Signs for businesses located in residential style buildings with generous front yard setbacks may use an appropriately scaled monument sign. These shall be encouraged.

Signs

- No roof signs, off premise signs, flashing signs and plastic backlit signs may be used. Free-standing signs may be used in front yard areas, when appropriately scaled and placed to minimize visual interference with the significant features of the property.
- Signs must be constructed of painted wood or metal. Plastic signs or letters may not be used. Lighting of signs can be done with incandescent bulbs on the sign, or gooseneck front lighting using fixtures appropriate to the style and period of the building.



- Awnings and projecting signs were common in 19th and early 20th century Brenham. Small projecting signs, at an appropriate scale in relation to the building and the adjacent area are encouraged.
- Sidewalk sandwich boards are typical of the historic retail style, but they must be well maintained and removed after business hours. No changeable letters on tracks may be used. Chalkboards may be used for daily changing messages. Sandwich boards may not be wider than 24", or be placed to extend more than 24" from the building face. The height is restricted to 35". No more than one per building will be allowed.
- Where several businesses share a building, signs may be coordinated and shared.

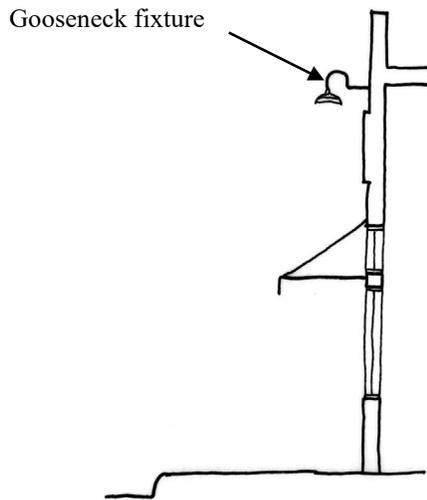
Signs

- Neon can enhance a retail and restaurant area by creating a sense of fun and festivity, but excessive use can also detract from a district. Neon shall be used inside windows only, and occupy a limited amount of space within that window, exception: theatrical uses. Neon marquee signs are allowed only for buildings with theatrical uses.
- Banners of no more than 30 square feet may be hung for a period of no more than 3 months awaiting completion of permanent signs or no more than 2 weeks to advertise special events.

Murals

- Plans for proposed murals including drawings, size, sample colors, must apply for an Administrative Certificate of Appropriateness with the Historic Preservation Officer.

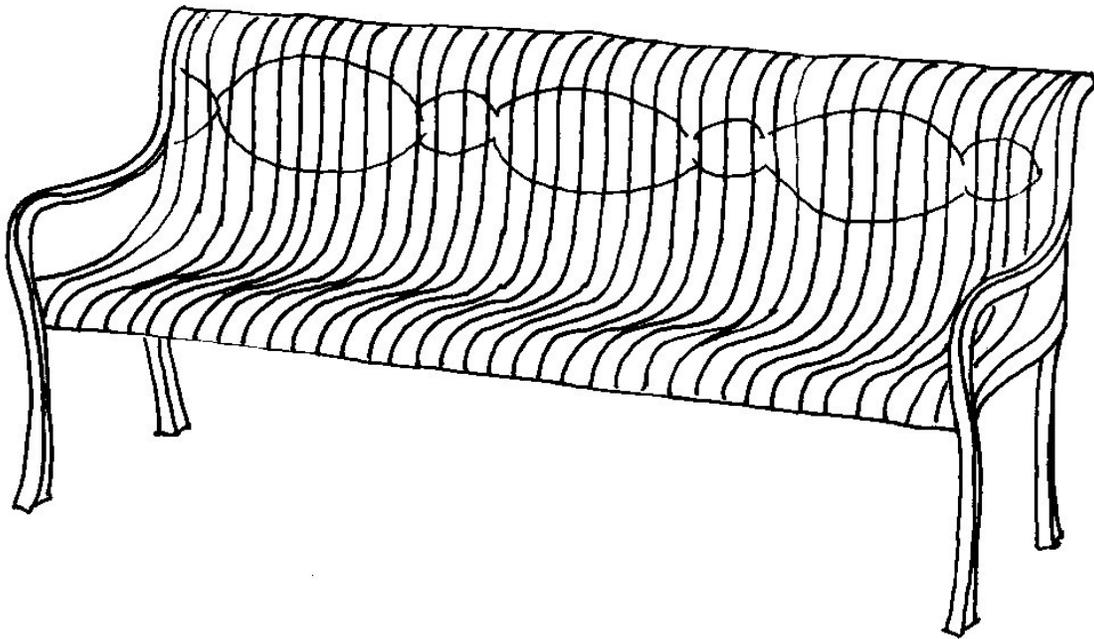
Lighting



- Lighting is an important element in commercial areas. Fixtures shall be consistent with the historic character of the area.
- Fully recessed down lights, gooseneck lights or other incandescent fixtures appropriate to the style and period of the district may be used.
- Avoid exposed lighting of any kind.
- Lighting fixtures are supported in front of the building and may cast light on a sign and highlight the building or offer lighting for pedestrians on sidewalks. The fixtures should be shielded to prevent glare on the street and sidewalk.
- A well-designed window display illuminated at night is more desirable than an illuminated sign.

Sidewalk Furniture

- Includes benches, planters, statues, trash receptacles and objects for sale. Objects on the sidewalk should increase the overall attractiveness of design without impeding the flow of pedestrians on the sidewalks with too many objects, oversized objects or objects placed in the pathway.
- Advertising or promotions on benches is not allowed under any circumstance.
- Planters should match the building architecture in style. Attractive and well-maintained plants should be in the planters. No artificial plants will be allowed. Statues appropriate to the architecture of the building can enhance a building.
- Main Street Brenham will provide a specification for benches, trash cans, planters, and other equipment to match existing downtown sidewalk furniture.



Special Considerations - Energy Conservation

Equipment

The installation of new, more efficient, mechanical equipment, including water heaters, can make the most significant impact on the reduction of energy costs. Solar collectors may be installed in a manner that does not compromise the historic character of the structure nor destroy or obscure any character defining elements.

Windows

The thermal efficiency of the historic windows can be improved through the following methods:

- Regular inspection and maintenance to ensure weather tightness and good operation.
- Installation of insulation at the rough opening. (Trim should be carefully removed and reinstalled.)
- Maintenance and replacement of caulk at joints and openings.
- Installation of weather stripping at all doors and windows.
- Installation of appropriate storm windows as detailed in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*.

Windows shall not be tinted or covered with reflective foil or film.

Insulation

Thermal insulation may be installed in attics and basements to increase the efficiency of the mechanical systems. Appropriate materials shall be selected such that historic character defining elements are not concealed or destroyed during installation. Insulation may be added at exterior walls if done so in a manner that does not damage the wall finish at the interior or exterior of the wall.

Special Considerations - New Additions and Infill

Alterations

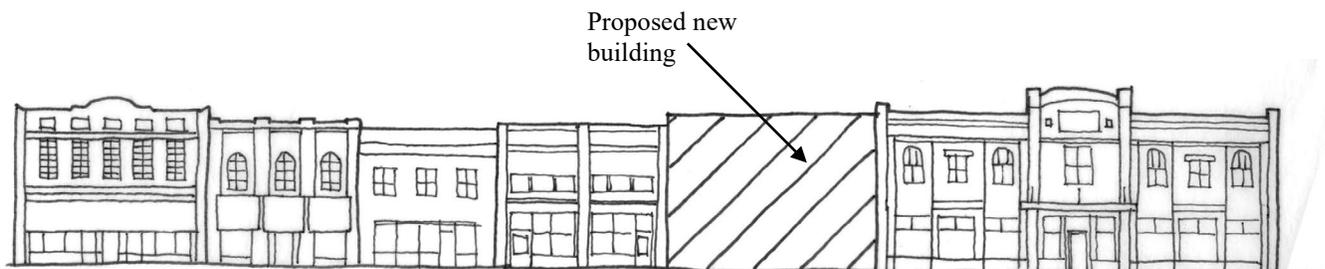
- Removal of previous additions may be undertaken. New exterior finish materials shall match existing in texture, dimension, etc. Detailing of alterations should be such that there is a clear differentiation between the new work and the historic fabric of the structure.

Additions

- Additions shall be subordinate in scale to the existing structure.
- Exterior additions should not be undertaken if the non-character defining interior spaces can be reconfigured to meet the needs of the new use.
- New additions should not obscure or remove character-defining elements such as porches, pediments, etc.

Infill

- New construction proposals and rehabilitation of non-historic buildings will be reviewed by the Historic Preservation Board and based on these Criteria. Judgment will be based on the compatibility of the design within the context of the property's adjacent and nearby historic buildings.
- Infill construction shall be encouraged. Construction should respect both the height and bay spacing of adjacent buildings. They shall also ensure proportion and continuity of the texture of façade treatments, in terms of cornice lines, window lintels and sills, and kick plates. Flat roofs shall be hidden from view by parapets. The building should be of similar form and materials, but not an actual replication.



Special Considerations – Accessibility Concerns

All commercial properties in Texas must comply with the Texas Accessibility Standards. Copies of the Standards are available through the Texas Department of Licensing and Regulation. In addition, residential units available for lease may be required to be accessible. Check federal fair housing standards for guidelines.

New barrier-free features may be added but should not alter, damage, or destroy the historic character defining features of the structures.

Ramps

If required, a ramp may not replace an existing main stair access to the entrance but rather shall be installed in such a manner that is subordinate in appearance, scale, and location to the main entrance.

Elevators

Elevators may be added provided they do not alter, damage, or destroy historic character defining elements and spaces at the interior or exterior of the structure.