



To: Historic Preservation Commission
From: Sara Varvarigos, AICP – Senior Planner
Date: September 3, 2026
RE: Coordination of Draft Historic District Ordinance Revision

I. Overview

During workshops with the Historic Preservation Commission on April 2, 2026, May 7, 2026, and June 4, 2026, the HPC was invited to provide input on potential land use distinctions within each Historic District. Staff proposed a unique list of permitted uses for each of the Mercer, Old Fitzhugh, and Hays Historic Overlay Districts, in the context of:

- a. developing subsections 4.3.5, 4.3.6, and 4.3.7, of the Historic District Ordinance and
- b. refining Ord. Ch.30, Exhibit E – Zoning Use Regulations (Charts), which currently contains one designated list of permitted land uses under a single Historic Overlay heading - “HO”.

Staff incorporated preliminary HPC input on the Historic Overlay uses into a draft version of three distinct overlay tables that would differentiate the Land Uses that are permitted by right in those districts. HPC recommended approval of the draft list of Land uses during the June 4, 2026, meeting. However, during the subsequent HPC meeting on August 6, 2026, HPC members moved to provide additional input on this draft list of uses.

This staff memo summarizes and analyzes this additional input, with staff responses summarized below.

II. Vision for the Districts

When revisiting the draft list of land uses to be permitted in each Historic District Overlay, it is helpful to recall the Visions for each Historic District, to evaluate whether that land use is compatible with the District.

a) Vision for the Mercer Street Historic District

- i) Period of significance (1855-1975)
- ii) Historic “Main Street” character & prioritizing pedestrian activities
- iii) Preservation, rehabilitation, revitalization

b) Vision for the Old Fitzhugh Road Historic District

- i) Period of significance (1890-1970)
- ii) Historic farmsteads, rustic character, and eclectic businesses

iii) Adaptive re-use, rehabilitation, landscape preservation

c) *Vision for Hays Street Historic District*

- i) Period of significance: 1855-1976
- ii) Historic neighborhood scale and character
- iii) Adaptive reuse and sensitive infill, tree preservation

III. Additional HPC input, with Staff Responses

HPC members Steve Mallett and Pamela Weinhammer provided additional input on August 11, 2026, and August 12, 2026, respectively. This additional input, and staff responses, are summarized below. Please refer to Attachment 1 for the Land Uses chart table with proposed revisions reflecting the feedback below.

a. *Question: Why not Saving and Loan?*

- a. Saving and Loan buildings are often large, modern financial institutions with auto-oriented drive-throughs and distinctive architectural styles—such as glass-fronted buildings, parking structures, or commercial signage—that can clash with the historic streetscape. Allowing them without controls could:
- b. Break the visual continuity of historic streetscapes.
- c. Introduce incompatible materials, colors, or forms that don't match surrounding buildings.
- d. Alter the scale, height, or setback of the district, disrupting historic proportions.
- e. However, staff can update this land use to a "C" in the Mercer District, as this type of use may be appropriate under a restricted footprint, without a drive-through.

b. *Question: Wouldn't Grawlix be considered a bar?*

- a. Bars are currently allowed with a conditional use permit "C" - essentially this means that a land use that is not permitted by right may be permitted with special conditions, as approved by the City Council. Grawlix is one such land use- it was not permitted by right, but it was allowed through a CUP in 2020.

c. *Comment: Hays District should not allow for these uses as there are so many residences there currently*

a. *(Bar or Craft Alcohol Production)*

- i. Staff will alter the proposed list of land uses for the Hays District from a "C" to an "X" for Bar and Craft Alcohol Production (see Attachment 2).
- ii. In addition, per the revised Historic District Ordinance, Craft alcohol production and sales in the Mercer District must satisfy the following conditions to be permitted by right:
 - 1. At least fifteen percent (15%) of gross floor area must be maintained as retail space open to the public; and
 - 2. Manufacturing-related activity must not occupy more than five thousand (5,000) square feet of gross floor area.

b. *(Cafeteria)*

- i. Cafeteria Definition: a restaurant in which customers serve themselves from a counter and pay before eating.
- ii. Staff does not think that this use should be prohibited in the Hays District, but will alter the land use from a "P" to a "C" designation to allow this use with conditions.

- c. *(Convenience Store)*
 - i. Staff will alter the proposed list of land uses for the Hays District from a “C” to an “X” for Convenience Store Without Gas Sales (see Attachment 2). Convenience Store with Gas Sales is already prohibited, as this is an auto-oriented land use.
- d. *(Grocery Store)*
 - i. Staff will alter the proposed list of land uses for the Hays District from “P” to “X” for both the Grocery Store and Limited Grocery Store.
- d. *Question/Comment: Food or grocery store general. Does this allow a large store like HEB to locate on Mercer street? A small specialty market would be appropriate.*
 - a. The District Guidelines impose a 10,000 SF max building footprint for Mercer District, and 5,000 SF max for the Hays and Old Fitzhugh Districts. This is why an HEB (these stores have a 50,000–70,000 SF area) would not be allowed. However, staff will update the General Grocery Land Use permission from a “P” to “X”, and keep the Limited Grocery Land Use for the Mercer and Old Fitzhugh Historic Districts only.
- e. *Same question for Hardware Store- would this allow a Home Depot?*
 - a. The District Guidelines impose a 10,000 SF max building footprint for Mercer District, and 5,000 SF max for the Hays and Old Fitzhugh Districts. This is why a Home Depot (these stores have a 100,000 SF area) would not be allowed. Staff thinks that a small local specialty hardware store may be appropriate in all the districts.
- f. *Same question for Pet Shop/Supplies- would this allow a Petco?*
 - a. The District Guidelines impose a 10,000 SF max building footprint for Mercer District, and 5,000 SF max for the Hays and Old Fitzhugh Districts. This is why a Petco would not be allowed (these stores have a 12,000 to 15,000 square foot area).
- g. *The allowed uses that jump out at me as being permitted that I don’t think fit the character of any of the historic districts:*
 - a. *Studio, Tattoo, or Body Piercing*
 - b. *Upholstery Shop*
 - c. *Used merchandise/furniture*
 - i. Staff will alter the proposed list of land uses for the all Districts from a “P” to an “X” for Studio, Tattoo, or Body Piercing.
 - ii. However, staff thinks that an upholstery shop would be compatible with the districts on condition that there is no outside storage, as this service can service the restoration of antiques. Proposing to change this land use to a “C”.
 - iii. Used Merchandise/Furniture is to be interpreted as a thrift store. We can consider changing the permission for a thrift store to a “C” to impose the condition that no outside storage is permitted, but allow a consignment shop by right, if the concern is around outside storage or dumping, or the different calibers of merchandise.
- d. *Comment: The permitting of Used Merchandise/Furniture (line 90) contradicts the prohibition of a furniture store (129)*
 - i. Used Merchandise/Furniture is to be interpreted as a thrift store, that does not primarily sell furniture, and doesn’t require a large footprint like a furniture store.

- e. *Comment: No parking lots???*
 - i. The reason for not allowing commercial parking lots is that it is far more valuable to have an active and pedestrian-oriented land use (like a retail shop or a restaurant) occupying the majority of a lot, instead of a paid auto-oriented parking lot being the only land use on the lot. Parking lots that are an accessory to a commercial land use on a property, like a retail store, or the future Stephenson Community Center are absolutely permitted
- f. *Comment: Isn't there an outdoor stage on OFR?*
 - i. Yes, but this is considered an accessory use to permitted land use. It is not the primary/main land use. A theater or stage as a stand-alone land use would be most appropriate in the Mercer District.
- g. *Comment: A Maternity Home or Orphanage is permitted but not a Nursing/Convalescence Home?*
 - i. A nursing/convalescent home is not a compatible use in the Mercer District, and the average footprint is incompatible with all Districts. However, a Home for the Aged Residential can be a compatible use in the Hays and OFR districts. Independent Maternity Homes usually have a much smaller footprint than nursing homes. The sizes of Orphanages can vary. A smaller Orphanage may be appropriate in any of the districts.

The proposed updates outlined in this staff memorandum are intended to enhance the overall clarity, coordination, and cohesiveness of the City's Ordinance.