

Late Backup

item 1

**PROPOSED MODIFICATIONS TO
08/06/2009 COUNCIL MEETING MINUTES
BY COUNCIL MEMBER LAURA MORRISON
August 27, 2009**

Late Backup

Item 68.

Conduct a public hearing and consider an ordinance amending City Code Chapter 11-1, Chapter 25-1, Chapter 25-2, and Chapter 25-11 relating to historic landmark tax exemptions, zoning, and enforcement. Recommended by Zoning and Platting Commission and Planning Commission.

OLD LANGUAGE

There was a main motion made by Council Member Morrison and seconded by Council Member Riley to close the public hearing and approve the ordinance with amendments. The amendments made by Council Member Morrison were as follows:

Section 25-2-356 is amended to add a new Subsection (C) to read:

“(C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens.”

Section 25-2-353 is amended to add a new Subsection (B) to read:

“(B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application.”

A friendly amendment was made by Council Member Shade to close the public hearing and approve the ordinance and the amendments from Council Member Morrison and to amend Subsection 25-2-242(5) as follows “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. City-owned property shall count towards the support for the nomination of the district if it contains a building or structure which has been zoned historic or was integral to the historical development of the district, based upon the recommendations of the Historic Preservation Office and the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.” The friendly amendment was not accepted by the maker of the main motion.

There was a motion to amend that was made by Council Member Shade and seconded by Council Member Cole to close the public hearing and approve the ordinance plus the amendments from Council Member Morrison and the following amendment that failed on a vote of 3-4. Those voting aye were: Council Members Cole, Shade and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members

Morrison and Riley. The amendment from Council Member Shade was to have Subsection 25-2-242(5) read: "(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. City-owned property shall count towards the support for the nomination of the district if it contains a building or structure which has been zoned historic, or was integral to the historical development of the district, based upon the recommendations of the Historic Preservation Office and the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district."

There was a motion to amend to approve the ordinance plus the amendments from Council Member Morrison and the following amendment that was approved on Council Member Shade's motion, Council Member Spelman's second, on a 5-2 vote. Those voting aye were: Mayor Leffingwell and Council Members Cole, Riley, Shade, and Spelman. Those voting nay were: Mayor Pro Tem Martinez and Council Member Morrison. The amendment was to have Subsection 25-2-242(5) read, "(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. Property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district."

The public hearing was closed and Ordinance No. 20090806-068 was approved with the following amendments on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.

The amendments from Council Member Morrison were:

Section 25-2-356 is amended to add a new Subsection (C) to read:

"(C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens."

Section 25-2-353 is amended to add a new Subsection (B) to read:

"(B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application."

The amendment from Council Member Shade was:

Subsection 25-2-242(5) reads, “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. Property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.”

SUGGESTED CORRECTIONS BY COUNCIL MEMBER MORRISON

There was a main motion made by Council Member Morrison and seconded by Council Member Riley to close the public hearing and approve the ordinance with amendments. The amendments made by Council Member Morrison were as follows:

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Section 25-2-353 is amended to add a new Subsection (B) to read:

“(B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application.”

A friendly amendment was requested by Council Member Shade to amend Subsection 25-2-242(5) as follows “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. City-owned property shall count towards the support for the nomination of the district if it contains a building or structure which has been zoned historic or was integral to the historical development of the district, based upon the recommendations of the Historic Preservation Office and the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.” The amendment was not accepted by the maker of the main motion as a friendly amendment.

There was a motion to amend that was made by Council Member Shade and seconded by Council Member Cole to approve the following amendment that failed on a vote of 3-4. Those voting aye were: Council Members Cole, Shade and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Morrison and Riley. The amendment from Council Member Shade was to have Subsection 25-2-242(5) read, “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. City-owned property shall count

towards the support for the nomination of the district if it contains a building or structure which has been zoned historic, or was integral to the historical development of the district, based upon the recommendations of the Historic Preservation Office and the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.”

There was a motion to amend that was made by Council Member Shade’s motion and seconded by Council Member Spelman’s to approve the following amendment that passed on a 5-2 vote. Those voting aye were: Mayor Leffingwell and Council Members Cole, Riley, Shade, and Spelman. Those voting nay were: Mayor Pro Tem Martinez and Council Member Morrison. The amendment was to have Subsection 25-2-242(5) read, “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. Property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.”

The public hearing was closed and Ordinance No. 20090806-068 was approved with the following amendments on Council Member Morrison’s motion, Council Member Riley’s second on a 7-0 vote.

The amendments from Council Member Morrison were:

Section 25-2-356 is amended to add a new Subsection (C) to read:

“(C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens.”

Section 25-2-353 is amended to add a new Subsection (B) to read:

“(B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application.”

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determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district."