

## Late Backup

Revised: 10:52 AM  
# 76

RESOLUTION NO.

5/26/11

**WHEREAS**, the City of Austin and its residents have a strong interest in historic preservation, recognizing the broad positive impacts of preservation, including significant contributions to our local economy and our tax base; and

**WHEREAS**, historic preservation is consistent with the City's efforts to encourage sustainability, energy efficiency and green building, as well as striving to discourage landfill waste and suburban sprawl; and

**WHEREAS**, the City of Austin, Austin Community College, Travis County, and the Austin Independent School District participate in historic preservation by granting tax exemptions to historically designated properties; and

**WHEREAS**, the City of Austin, as the authority to approve the designation of historic zoning, must balance priorities of preservation with stewardship of the local tax base in the interest of culture, prosperity, education, and the general welfare of all its residents; and

**WHEREAS**, the Austin City Council adopted Resolution 20100610-029 directing the City Manager to work with the Historic Landmark Commission on recommendations on revisions to the historic preservation program; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates code amendments to City Code Title 25 (*Land Development Code*) and directs the City Manager to develop a proposed ordinance that amends the historic designation criteria for historic

landmarks to reflect the following staff and community-generated recommendations:

1) The council may designate a structure or site as a historic landmark combining district if:

a) the property is at least 50 years old and represents a period of significance of at least 50 years ago, unless it possesses exceptional importance as defined by the National Register Bulletin 22, National Park Service (1996); and

b) the property retains a very high degree of integrity of materials and design to clearly convey its historic appearance; and

c) the property is individually listed in the National Register of Historic Places, or is designated as a Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or demonstrates significance in at least two of the following categories:

i) Architecture – The property:

(1) embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction;

(2) exemplifies technological innovation in design and/or construction;

- (3) displays high artistic value in representing ethnic or folk art, architecture, or construction;
- (4) represents a rare example of an architectural style in the City;
- (5) serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation;
- (6) possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or
- (7) represents an architectural curiosity or one-of-a-kind building.

ii) Historical Associations – The property:

- (1) has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or
- (2) represents a significant portrayal of the environment of a definable group of people in a historic time.

- iii) Archeology – The property has, or is expected to yield, significant data concerning the human history or prehistory of the region.
  - iv) Community Value – The property has a unique location or physical characteristic that represents an established and familiar visual feature of the city and contributes to the character or image of the city, neighborhood, or population group.
  - v) Landscape Feature – The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the city.
- d) No property with an addition or alteration which has significantly compromised its original footprint, height, scale, or materials may be considered a historic landmark, unless such addition or alteration is more than 50 years old, or the property is being nominated as a historic landmark for extraordinary historical, cultural, or community significance as defined by the National Register Bulletin 22, National Park Service (1996).
- e) Properties located within a local historic district are ineligible to be nominated for landmark designation under the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance.

**BE IT FURTHER RESOLVED:**

The City Council initiates code amendments to City Code Title 25 (*Land Development Code*) and directs the City Manager to develop a proposed ordinance that revises the historic landmark application process to require a more stringent review of applications and ensure that all necessary research has been completed before an application is considered by the Historic Landmark Commission.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to work with the Historic Landmark Commission and other stakeholders to enhance the inspection of historic landmark properties to strengthen the enforcement of criteria and maintenance requirements. The City Manager is further directed to make recommendations on the implementation of an inspection fee to cover the costs of ongoing inspection.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to make recommendations on possible funding mechanisms for the expansion of existing functions and the creation of new programmatic functions within the City's historic preservation program, including, but not limited to, staffing, inspections, plaques for all historic landmarks, and offsetting the costs for low-income owners to complete historic zoning applications. These recommendations should address the potential for a historic preservation enterprise fund.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to make recommendations on methods to provide a technical and loan assistance program to better enable the rehabilitation of historic structures in underrepresented areas, for façade rehabilitation in the central business district, and to assist low-income owners of landmarks with preservation and rehabilitation. These recommendations should also include outreach and research assistance to underrepresented areas.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to work with the Historic Landmark Commission and community stakeholders on the adoption of standard advisory design guidelines for contributing buildings within National Register Historic Districts. The guidelines should address design considerations such as the location and setback of additions to existing buildings, appropriate materials for additions or new construction, and other guidelines to better preserve the architectural and historical character of National Register Historic Districts. These guidelines should also serve as a template for the development of binding design guidelines for local historic districts.

**BE IT FURTHER RESOLVED:**

The City Council initiates code amendments to City Code Title 25 (*Land Development Code*) and directs the City Manager to develop a proposed ordinance and implement other necessary changes to revise the initiation process for local historic districts to reflect the following staff and community-generated recommendations:

1. Modify the petition requirements for the initiation of a local historic district to allow for the showing of support by either the owners of 51% of the area of the land or by the number of property owners within the proposed district;
2. Institute a demolition delay of up to 180 days from the date that a demolition permit is filed for contributing properties in National Register Historic Districts and pending local historic districts; and
3. Provide a process to allow petitioners an opportunity for legal review of design guidelines for local historic districts prior to collecting signatures from area property owners.

**BE IT FURTHER RESOLVED:**

The City Council initiates code amendments to City Code Chapter 11-1 (*Ad Valorem Tax*) and directs the City Manager to develop a proposed ordinance to reflect the following staff and community-generated recommendations:

1. Cap the property tax exemption for an owner-occupied historic residential property at \$2,500;
2. Establish an index to automatically modify the residential exemption cap based on future increases or decreases in property values due to inflation and deflation;
3. Modify the formula for residential tax exemption for historic residential properties to be based on a combined assessed value of land and improvements;

4. Immediately implement the new exemption cap for all new residential historic landmarks, for residential landmarks approved after January 1, 2010, and for all existing residential landmarks that have a change of ownership;
5. Recommend a formula that gradually reduces over a period of 5 years the total amount exempted for existing owner-occupied residential landmarks that have an exempted value exceeding the maximum cap until the cap is reached; and
6. Further develop details of a rehabilitation program similar to that now offered for the qualified rehabilitation of contributing buildings within local historic districts to encourage and promote continued rehabilitation projects on individually-designated historic buildings.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to explore training opportunities, such as those associated with the National Alliance of Preservation Commissions, for City Council Members, Historic Landmark Commissioners, Land Use Commissioners, and Historic Preservation staff members.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to compile the existing data on historic-designated landmarks in a web-based format accessible to the public, such as the historic survey web tool currently being developed in partnership with the University of Texas at Austin under the Preserve



America program, to highlight the properties within the Historic Preservation Program and expand opportunities for community education.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to initiate a dialogue with other taxing entities within the City of Austin to discuss the ongoing revisions to the historic preservation program and encourage their continued participation.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to review the City of Austin's property tax exemption process for historic landmarks as set forth in City Code Chapter 11-1, Sections 21 through 26, to determine if changes need to be made to ensure that the process is consistent with Texas Tax Code Section 11.24.

**ADOPTED:** \_\_\_\_\_, 2011    **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk