

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2017-001 – Historic Landmark Commission Majority

**Description:** Consider an amendment to City Code Title 25 to change Historic Landmark Commission voting requirements such that a simple majority is required to recommend Historic Zoning over the objection of a property owner.

**Proposed Language:** See attached draft language.

**Summary of proposed code changes:**

Change the number of members of the Historic Landmark Commission (HLC) required to recommend zoning or rezoning property as a historic landmark (H) combining district if a property owner files a written statement protesting the zoning or rezoning, *from two-thirds to a simple majority.*

**Background:** Initiated by City Council by Resolution 20170126-046 on January 26, 2017.

From Council's initiating Resolution:

*"WHEREAS, no other advisory body to the City Council is required to affirm a recommendation on a vote of two-thirds of the body's membership; and WHEREAS, this requirement has resulted in numerous failures to initiate historic designation despite the fact that a majority of Historic Landmark Commission members supported the initiation; and WHEREAS, the Montopolis Negro School was one such structure that received majority support from the Landmark Commission but failed to receive a two-thirds majority; and WHEREAS, once the Historic Landmark Commission fails to recommend landmark status with a two-thirds majority most structures end up demolished;*

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:*

*That the City Manager is directed to initiate an amendment to City Code, repealing Section 25-2-355(C) requiring the affirmative vote of two-thirds of the members of the Commission to recommend zoning or rezoning property as a historic landmark if a record owner of the property files a written statement protesting the zoning or rezoning."*

**Staff Recommendation:** Approve proposed language change. Staff feels the change would bring the zoning process at HLC in line with the existing zoning process at Planning Commission and the Zoning and Platting Commission, which only require a simple majority vote to recommend a zoning change. A three-fourths vote of Council would still be required to approve a zoning change over the opposition of the property owner.

**Board and Commission Actions:**

March 27, 2017: Recommended by the Historic Landmark Commission on a 7-2 vote (Commissioners Tollett and Papavasiliou nay).

April 19, 2017: To be reviewed by the Codes & Ordinances Joint Committee.

May 9, 2017: To be reviewed by the Planning Commission.

**Council Action:**

May 18, 2017: A public hearing has been set.

**Ordinance Number:** NA

**City Staff:** Greg Dutton     **Phone:** (512) 974-3509

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**AN ORDINANCE AMENDING CITY CODE § 25-2-355 RELATING TO HISTORIC LANDMARK COMMISSION REVIEW.**

**PART 1.** City Code § 25-2-355 (*Historic Landmark Commission Review*) is amended to repeal Subsection (C):

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2017.

, 2017

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**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan Jannette S. Goodall  
City Attorney City Clerk

**RESOLUTION NO. 20170126-046**

**WHEREAS**, the City Council established the historic preservation program in 1974 to “preserve, enhance, and perpetuate those aspects of the city having historical, cultural, architectural and archaeological merit”; and

**WHEREAS**, the goals of the Historic Landmark Program are to preserve and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which serve as visible reminders of the city's culture and heritage; and

**WHEREAS**, preserving historic districts, landmarks, and places contributes to Austin's economic health and prosperity; and

**WHEREAS**, Imagine Austin affirms historic preservation as a priority and cites as an imperative that the City Council "protect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City"; and

**WHEREAS**, Austin is experiencing an increasing number of demolitions in neighborhoods throughout Austin due to intense development pressure; and

**WHEREAS**, more than 1,200 homes 50 years or older have been demolished since 2013; and

**WHEREAS**, the Historic Preservation Office currently receives an average of 50 demolition permit requests each month; and

**WHEREAS**, the Historic Landmark Commission has been tasked with reviewing requests to demolish structures older than 50 years; and

**WHEREAS**, at its December 2016 meeting alone, the Historic Landmark Commission approved 11 demolitions in the Ebony Acres neighborhood in East Austin; and

**WHEREAS**, City Code Section 25-2-355(C) requires the affirmative vote of two-thirds of the members of the Commission to recommend zoning or rezoning property as a historic if a record owner of the property files a written statement protesting the zoning or rezoning; and

**WHEREAS**, no other advisory body to the City Council is required to affirm a recommendation on a vote of two-thirds of the body's membership; and

**WHEREAS**, this requirement has resulted in numerous failures to initiate historic designation despite the fact that a majority of Historic Landmark Commission members supported the initiation; and

**WHEREAS**, the Montopolis Negro School was one such structure that received majority support from the Landmark Commission but failed to receive a two-thirds majority; and

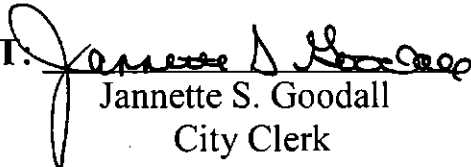
**WHEREAS**, once the Historic Landmark Commission fails to recommend landmark status with a two-thirds majority most structures end up demolished;  
**NOW, THEREFORE,**

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

That the City Manager is directed to initiate an amendment to City Code, repealing Section 25-2-355(C) requiring the affirmative vote of two-thirds of the members of the Commission to recommend zoning or rezoning property as a historic landmark if a record owner of the property files a written statement protesting the zoning or rezoning.

**ADOPTED:** January 26, 2017

**ATTEST:**

  
Jannette S. Goodall  
City Clerk