

ORDINANCE NO.

AN ORDINANCE RENUMBERING SECTION 25-2-351, ADDING A NEW SECTION 25-2-351, AND AMENDING SECTION 25-2-353 OF THE CITY CODE TO LIMIT THE NUMBER OF APPLICATIONS HEARD BY THE HISTORIC LANDMARK COMMISSION AND PROHIBIT CONTINGENCY FEE ARRANGEMENTS FOR OWNER-INITIATED APPLICATIONS FOR HISTORIC ZONING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** City Code Section 25-2-351 (*Contributing Structure Defined*) is renumbered as Section 25-2-350 (*Contributing Structure Defined*).

**PART 2.** City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-351 to read as follows:

**§ 25-2-351 LIMITS ON APPLICATIONS FOR HISTORIC DESIGNATION.**

- (A) The Historic Landmark Commission may consider no more than a total of three applications per month for historic landmark (H) designation of residentially-used properties.
- (B) The Historic Landmark Commission may consider no more than one application per month for historic landmark (H) designation of a residentially-used property located in any National Register or Local Historic District, unless there would otherwise be fewer than a total of three applications for historic landmark (H) designation of residentially-used properties considered in that month.
- (C) The limitations in Subsections (A) and (B) of this section shall not apply to applications initiated for any reason by the Historic Landmark Commission or applications for property owned by the City.
- (D) If fewer than three applications for historic landmark (H) designation of residentially-used properties are considered by the Historic Landmark Commission in any month prior to December 31, 2010, a commensurate number of additional applications may be heard in the following month.

**PART 3.** City Code Section 25-2-351 (*Limits on Applications for Historic Designation*) is repealed effective December 31, 2011.

**PART 4.** City Code Section 25-2-353 (*Application Requirements*) is amended to read as follows:

**§ 25-2-353 APPLICATION REQUIREMENTS.**

(A) An application to designate a structure or site as a historic landmark (H) combining district or an area as a historic area (HD) combining district must demonstrate that the structure, site, or area satisfies the criteria for designation and include the information required by administrative rule.

(B) A record owner or the record owner's agent filing an application for an owner-initiated historic landmark (H) designation shall affirm that no person involved in the matter was or will be compensated on a contingent fee basis or arrangement.

(C)~~(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.

This ordinance takes effect on \_\_\_\_\_, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, 2010      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_  
   Lee Leffingwell  
   Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk