

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C2O-2010-010

**Description:**

Conduct a public hearing and consider an ordinance to limit the number of owner- and Historic Landmark Commission-initiated historic zoning cases to 3 per month, and to limit the number of owner- and Historic Landmark Commission-initiated historic zoning cases on properties located within National Register or Local Historic Districts to 1 per month each unless agenda slots remain otherwise open.

**Background:**

The Council passed Resolution No. 20100610-029 on June 10, 2010 directing the City Manager to process the above-described amendments to the City Code in conference with the Historic Landmark Commission and Planning Commission and present recommendations to Council by August 5, 2010.

**Board and Commission Actions:**

The Operations Committee of the Historic Landmark Commission met on June 16, 2010 and June 21, 2010 and presented recommendations to the Commission meeting on June 28, 2010. The Landmark Commission ratified the recommendations of the Operations Committee, but directed the Operations Committee to make further refinements to the recommendations. The Operations Committee met again June 30, 2010, July 14, 2010, and July 19, 2010 and presented final recommendations at the Historic Landmark Commission meeting on July 26, 2010.

The Codes and Ordinances Committee of the Planning Commission reviewed the recommendations of the Historic Landmark Commission on July 20, 2010. Staff presented the recommendations to the Zoning and Platting Commission on July 20, 2010 and received comments. The Planning Commission reviewed the proposed amendments and made recommendations on July 27, 2010.

See Attachment "A" for the recommendations and comments of each Commission.

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# **HISTORIC PRESERVATION CODE AMENDMENTS** **AUSTIN CITY COUNCIL – AUGUST 5, 2010**

COUNCIL RESOLUTION	HLC RECOMMENDATIONS	CODES AND ORDINANCES (C&O) RECOMMENDATIONS	ZAP COMMENTS	PC RECOMMENDATIONS	STAFF COMMENTS
Limit the number of owner-initiated and Historic Landmark Commission-initiated historic landmark nominations to three per month, except in the case of nominations initiated by the Commission in response to a request for a demolition or relocation permit	Exempt from the limitation: 1. HLC-initiated cases for any reason. 2. Local historic district nominations. 3. Demolition by neglect cases. 4. Cases involving City-owned property.  Choose the cases for each month's agenda based upon a first-come, first-serve basis, with staff being directed to ensure that the applications are complete.	Supports HLC recommendations with two added provisos: 1. Further investigate ways to create more diversity in the types of properties nominated for designation and in geographic areas of the city by December 31, 2010. 2. Clarify that the limitation is on owner-occupied residential properties only.	Supports HLC recommendations EXCEPT that HLC-initiated cases should fall under the limitation provisions.	Recommend the C&O recommendations with the re-wording of prior recommendation No. 2 from "owner-occupied residential properties" to "residentially-used properties."  Additionally, provide that any unused slots on an HLC agenda may roll over to the next month for an average of 3 owner-initiated residentially-used properties per month through December 31, 2010.  <b>Example:</b> If only 2 of the 3 agenda slots are filled in any given month, the leftover slot will "roll over" to the next month, which would then have 4 agenda slots available.	Retain the original C&O language of "owner-occupied residential properties" as this correlates to the existing tax exemption distinction.

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Limit the number of owner-initiated and Historic Landmark Commission-initiated historic landmark nominations which are located in National Register or Local Historic Districts, other than those initiated by the Commission in response to a request for a demolition or relocation permit, to one per month, unless the other two slots for historic nominations are not completely filled, in which case they may be filled by nominations from National Register or Local Historic Districts.	No additional recommendations regarding properties in historic districts.	No additional recommendations regarding properties in historic districts.	No additional recommendations regarding properties in historic districts.	Adopt the C&O recommendation.	None.
	Provisions limiting the number of owner-initiated cases should expire December 31, 2011.	Supports HLC recommendation with the addition of "or sooner" after the stated expiration date.	The limitation provisions should not expire.	Adopt the C&O recommendation.	None

COUNCIL RESOLUTION	HLC RECOMMENDATIONS	CODES AND ORDINANCES (C&O) RECOMMENDATIONS	ZAP COMMENTS	PC RECOMMENDATIONS	STAFF COMMENTS
	Prohibit paid preparers from entering into contingency-fee arrangements for owner-initiated historic zoning cases, if appropriate after evaluation by the Law Department.	Supports HLC recommendation.	No comment.	Prohibit paid preparers from entering into contingency-fee arrangements for owner-initiated historic zoning cases.	The Law Department finds no apparent conflict with City Code or state law but recommends further evaluation along with other aspects of the Council resolution by December 31, 2010.
				Advise applicants that current incentive programs for all historic landmarks may change.	