

ORDINANCE NO.

01

AN ORDINANCE AMENDING CITY CODE CHAPTER 11-1, CHAPTER 25-2, AND CHAPTER 25-11 RELATING TO HISTORIC LANDMARK TAX EXEMPTIONS, HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATION CRITERIA, AND CERTAIN PERMITS AND CERTIFICATES OF APPROPRIATENESS.

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

PART 1. City Code Section 11-1-22 (*Determination of Exemption Amount*) is amended to read:

(A) Except as provided in Subsection (B) and Subsection (C), ~~[for]~~ a property designated as a historic landmark ~~[before December 1, 2004]~~ is eligible for a partial exemption from ad valorem taxes levied by the City as follows [the following percentage of the assessed value of a property designated "H" Historic and approved for tax exemption shall be exempt from ad valorem taxes levied by the City]:

(1) For an owner-occupied historic residential property that is not fully or partially leased to another person or for a property owned by a nonprofit corporation, as defined in the Texas Nonprofit Corporation Act, 100 percent of the assessed value of the historic structure and 50 percent of the assessed value of the portion of the land the chief appraiser for the county appraisal district determines is reasonably necessary for access to and use of the historic structure, [for:

~~(a) an owner-occupied historic residential property that is not fully or partially leased to another person; and~~

~~(b) a property owned by a nonprofit corporation, as defined in the Texas Nonprofit Corporation Act; and]~~

(2) For any other historic property, including property used for a commercial purpose, 50 percent of the assessed value of the historic structure and 25 percent of the assessed value of the portion of the land the chief appraiser for the county appraisal district determines is reasonably necessary for access to and use of the historic structure [for any other historic property, including property used for a commercial purpose].

(B) The percentage of assessed value exempted under Subsection (A) may not exceed a percentage that would result in a tax equivalent to the greater of \$2,000 or 50 percent of the ad valorem tax that the City would otherwise levy on the property if the property:

(1) was designated as a historic landmark before December 1, 2004, but changed ownership after November 30, 2004, but before January 1, 2012; or

(2) was designated as a historic landmark after November 30, 2004, but before January 1, 2012.

(C) The percentage of assessed value exempted under Subsection (A) may not exceed a percentage that would result in a tax exemption greater than \$2,500 if the property:

(1) was designated as a historic landmark before January 1, 2012, but changed ownership after December 31, 2011; or

(2) was designated as a historic landmark after December 31, 2011.

(D) ~~(C)~~ The City shall recommend to the chief appraiser for the county appraisal district that the entire tax parcel on which the historic structure is located, and which is designated "H" Historic, is reasonably necessary for

access to and use of the historic structure, unless otherwise determined by the City Council in a specific case.

PART 2. City Code Section 25-2-242 (*Initiation of Zoning or Rezoning*) is amended to read:

Zoning or rezoning of property may be initiated by the:

- (1) Council;
- (2) Land Use Commission;
- (3) Record owner;
- (4) Historic Landmark Commission, if the property is, or is proposed to be, designated as a historic landmark (H) combining district or a historic area (HD) combining district; or
- (5) For a proposed historic area (HD) combining district:

(a) petition of:

(i) the owners of at least 51 percent of the land, by land area, in the proposed district; or

(ii) at least 51 percent of the owners of individual properties in the proposed district.

(b) property [~~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. For purposes of

Subsection 25-2-242(5)(a), the amount of such property to be calculated as supporting shall not exceed one-third of the 51% of the land in the proposed district.

PART 3. City Code Section 25-2-352 (*Historic Designation Criteria*) is amended to read:

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

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

(2) the property retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity [~~suffieient integrity of materials and design to convey its historic appearance~~]; and

(3) the property:

(a) is individually listed in the National Register of Historic Places, or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or

(b) demonstrates significance in at least two of the following categories [~~meets the criteria prescribed by at least two of the following clauses~~]:

i) Architecture. The [the] property embodies the distinguishing characteristics of a recognized

architectural style, type, or method of construction; exemplifies [~~represents~~] technological innovation in design or construction; displays high artistic value in [~~contains features~~] representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an [~~represents the significant work of a noted~~] architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. [~~represents a rare example of an architectural style; or bears a physical or contextual relation to other historically or architecturally significant structures or areas~~]; A property located within a local historic district is 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.

- ii) Historical Associations. The property has long-standing significant associations [~~is substantially associated~~] with persons, groups, institutions, businesses, or events of historic importance [~~significance~~] which contributed significantly to the history [~~to the social, cultural, economic, development, or political history~~] of the city, state, or nation; or the property represents a significant

portrayal of the cultural practices or the way of life of a definable group of people in a historic time [is representative of a culture or group of people in a historical era through its architecture, method of construction, or use;] .

iii) Archeology. The property [~~possesses archeological significance because it~~] 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, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group. [~~The property possesses value to the community because it significantly represents the cultural, economic, social, ethnic, artistic, or historical heritage of the city or an area of the city; or because it has a location, physical characteristics, or other unique features which greatly contribute to the character or image of the city, a neighborhood, or a population group; or~~]

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.

(4) the property does not include an addition or alteration which has significantly compromised its historical integrity, as defined by the National Register of Historic Places.

(B) The council may designate an area as a historic area (HD) combining district if at least 51 percent of the principal structures within the proposed district are contributing to the historic character of the district [~~structures~~] when the historic preservation officer certifies that the zoning or rezoning application is complete.

(C) The council may enlarge the boundary of an existing historic area (HD) combining district if the additional structure, group of structures, or area adds historic, archeological, or cultural value to the district.

(D) Except as limited by Subsection (E), the council may reduce the boundary of an existing historic area (HD) combining district if:

- (1) the structure to be excluded does not contribute to the historic character of the district;
- (2) excluding the structure or area will not cause physical, historical, architectural, archeological, or cultural degradation of the district; or
- (3) a reasonable use of the structure that allows the exterior to remain in its original style does not exist.

(E) The minimum size for a historic area (HD) combining district is one block face.

PART 4. City Code Section 25-11-213 (*Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, or Sites*) is amended to read:

(A) In this section “National Register Historic District” means an area designated in the Federal Register under the National Preservation Act of 1966, as amended, for which maps depicting the area are available for

inspection by the public at the Planning and Development Review Department.

(B) Except as provided in Subsection (C), this section applies to a building, structure, or site:

- (1) located in a National Register Historic District;
- (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
- (3) individually listed in the National Register of Historic Places;
- (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
- (5) designated as a historic landmark (H) combining district;
- (6) located within a historic area (HD) combining district; or
- (7) determined by the historic preservation officer to have potential for designation as a historic landmark.

(C) This section does not apply to a structure if the historic preservation officer determines that the structure:

- (1) is less than 50 years old;
- (2) does not meet at least two of the criteria for designation as a historic landmark (H) combining district prescribed by Section 25-2-352(A)(3)(b) (*Historic Designation Criteria*); and
- (3) is not a contributing structure in a historic area (HD) combining district.

- (D) When the building official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the building official shall immediately:
- (1) notify the historic preservation officer; and
 - (2) upon receipt of notification by the historic preservation officer that the application will be placed upon the Commission's agenda, the building official shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Section 25-1-133(A).
- (E) The historic preservation officer shall complete the review of an application for a demolition, relocation, or building permit within five business days of receipt of a complete application, and determine whether to place the application on the Commission agenda.
- (F) The Commission shall hold a public hearing on an application described in Subsection (D) within 45 days of receipt of a complete application.
- (G) Except as provided in Subsection (H), the ~~[The]~~ building official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earlier of:
- (1) the date the Commission makes a decision not to initiate a historic zoning designation case regarding the structure;
 - (2) the date on which the Commission approves an application for a certificate of appropriateness, or makes recommendations on an application for a building permit; or

- (3) the expiration of 75 days after the date of the first Commission meeting at which the application is posted on the agenda.

(H) In the case of a contributing structure within a National Register Historic District or a pending historic area (HD) combining district, the building official shall not issue a relocation or demolition permit for a structure until the earlier of:

- (1) The expiration of 180 days from the date of the filing of a complete application for demolition or relocation; or
- (2) The approval by Council of a historic area (HD) combining district in which the property is deemed contributing to the historic character of the pending district.

(IH) If the Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 25-11-214.

(J) The historic preservation officer may approve applications for each of the following:

- (1) Building permits for properties located within a National Register Historic District which are considered minor projects, including but not limited to [such as]:
 - (a) construction of a one-story ground-floor addition or outbuilding with no more than 600square feet of gross floor area;
 - (b) construction of a second-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or

- (c) construction of a pool, deck, fence, back porch enclosure, or other minor feature.
 - (2) Demolition permits for minor outbuildings within a National Register Historic District such as carports, detached garages, sheds, greenhouses, and other outbuildings determined by the historic preservation officer not to possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.
 - (3) Demolition or relocation permits for properties deemed non-contributing to the historic character of a National Register Historic District.
- (KJ) The building official may not release a demolition or relocation permit for a building or structure deemed contributing to a National Register Historic District or a historic area (HD) combining district until the Commission has reviewed and made recommendations on the application for a building permit for the site, unless the building official determines that demolition or relocation is necessary for reasons related to public safety.

PART 5. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2011

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§
§

Lee Leffingwell
Mayor

APPROVED: _____
Karen Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

MEMORANDUM

CL

To: Jonathan Thompson
City of Austin Public Works Department

From: Melinda Ruby
ABIA Noise Mitigation Program

Date: December 2, 2011

RE: Summary of ABIA Noise Mitigation Program

The Austin-Bergstrom International Airport Noise Mitigation Program is an approved acquisition program designed to purchase residences and relocate occupants out of the noise contours in order to make land uses compatible with the airport. It is funded 80% through grants from the Federal Aviation Administration (FAA). All acquisitions and relocations are conducted in adherence to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), and applicable FAA regulations.

The Program is designed to mitigate residences that lie within the 65 DNL Noise Contour. The contour cuts through the middle of the Patton Avenue and Jet Lane neighborhood, and lots on both ends of the neighborhood fall outside the contour. FAA Order 5100.38c, Airports Improvement Program Handbook, states:

Projects within DNL 65 db may be expanded beyond the DNL 65 db contour to include a reasonable additional number of otherwise ineligible parcels contiguous to the project area, if necessary to achieve equity in the neighborhood.

ABIA recommended all lots in the Patton neighborhood be included in the Program in order to achieve equity in the neighborhood. The FAA approved this recommendation. All owners were contacted regarding the purchase of their properties. Twenty-five owners decided to sell their properties to the City, and eight owners decided not to sell their properties to the City.

In order to use federal funds to acquire the properties in the Program, the FAA requires that unneeded noise land be sold for a compatible use such as agricultural, commercial and/or industrial. FAA Grant Assurance 31 requires that an airport owner dispose of unneeded noise land at fair market value. The proceeds are retained by the Department of Aviation for future use in the Noise Mitigation Program in accordance with current federal regulations. In order to comply with these regulations, Austin Water Utility will purchase certain lots in the Patton neighborhood from the Noise Mitigation Program at fair market value as determined by an independent appraisal.

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Item C-10

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2007-0393C(XT2)
 Contact: Donna Galati, (512) 974-2733
 Elsa Garza, (512) 974-2308
 Public Hearing: Zoning and Platting Commission, Dec 6, 2011

Svetlana Megley, M.D.
 Your Name (please print) I am in favor I object

11221 Paradores Tale Ln
 Your address(es) affected by this application

Megley, M.D.
 Daytime Telephone: 572.291.5570
 11/29/11
 Date

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
 Planning and Development Review - 4th Floor
 Donna Galati
 P. O. Box 1088
 Austin, TX 78767-1088

Item C-11

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Case Number: SP-2007-0394C(XT2)
 Contact: Donna Galati, (512) 974-2733
 Elsa Garza, (512) 974-2308
 Public Hearing: Zoning and Platting Commission, Dec 6, 2011

Bessieann Dobson
 Your Name (please print) I am in favor
 I object

11303 Easy St - 78748
 Your address(es) affected by this application

Bessieann Dobson 11-25-11
 Signature Date

Daytime Telephone: 512-280-0241

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
 Planning and Development Review - 4th floor
 Donna Galati
 P. O. Box 1088
 Austin, TX 78767-1088

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 Contact: Donna Galati, (512) 974-2733
 Elsa Garza, (512) 974-2308
 Public Hearing: Zoning and Platting Commission, Dec 6, 2011

Sveltana Megley, M.D.
 Your Name (please print)

11221 Pardonnas Tale Ln
 Your address(es) affected by this application

Sveltana Megley, M.D.
 Signature

Daytime Telephone: 512.291.5570

Comments:

I am in favor
 I object

4/29/11
 Date

If you use this form to comment, it may be returned to:
 City of Austin
 Planning and Development Review - 4th floor
 Donna Galati
 P. O. Box 1088
 Austin, TX 78767-1088

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Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

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Case Number: C8-2011-0038.0A.SH
 Contact: Sylvia Limon, (512) 974-2767
 Yolanda Parada, (512) 974-2784
 Public Hearing: Zoning & Platting Commission, December 6, 2011

John W. Blum Jr.
 Your Name (please print) I am in favor
 I object

8100 Fort Sumner Road Austin, TX 78745
 Your address(es) affected by this application

John W. Blum Jr. 12/1/11
 Signature Date

Daytime Telephone: 512-442-292 3377

Comments:
I strongly support this development.
It will be a positive contribution to
the neighborhood. JB

If you use this form to comment, it may be returned to:
 City of Austin - Planning & Development Review Dept. /4th Fl

Sylvia Limon
 P. O. Box 1088
 Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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Case Number: C8-2011-0038.0A.SH
 Contact: Sylvia Limon, (512) 974-2767
 Yolanda Parada, (512) 974-2784
 Public Hearing: Zoning & Platting Commission, December 6, 2011

BRIAN DEAN
 Your Name (please print)

8306 NICOLA TRAIL AUSTIN, TX 78745
 Your address(es) affected by this application

[Signature]
 Signature

Daytime Telephone: 512-879-3900
 Date: 01 Dec 2011

Comments: _____

I am in favor
 I object

If you use this form to comment, it may be returned to:
 City of Austin -- Planning & Development Review Dept. /4th Fl
 Sylvia Limon
 P. O. Box 1088
 Austin, TX 78767-8810

