

**ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2016-011 Historic Compatibility

**Description:** Consider an amendment to Title 25 of the Land Development Code to make historic landmark (H) combining district and historic area (HD) combining district properties comply with the City's compatibility standards (*ARTICLE 10*)

**Proposed Language:** See draft language.

**Summary of proposed code changes:**

- Removal of code section 25-2-1052 from the current code, which currently exempts historic landmark (H) combining district and historic area (HD) combining district properties from compatibility standards.

**Background:** Initiated by City Council Resolution 20160609-049

On June 6, 2016, the City Council initiated a code amendment via Resolution 20160609-049, to initiate *"a code amendment to remove Section 25-2-1052 (A)(2) from the City Code, thus requiring properties within a historic district (H) or historic area (HD) combining district to comply with the City's compatibility standards."*

The proposed amendment would subject properties with H or HD combining district zoning to compatibility standards of Article 10 of Title 25 of the Land Development Code.

**Staff Recommendation:** Recommended

**Board and Commission Actions**

**July 25, 2016:** Recommended by the Historic Landmark Commission on a 6-3 vote.

**August 17, 2016:** To be reviewed by the Codes and Ordinances Joint Committee.

**August 23, 2016:** To be reviewed by Planning Commission.

**Council Action**

**September 22, 2016:** A public hearing has been scheduled.

**Ordinance Number:** NA

**City Staff:** Jerry Rusthoven **Phone:** 974-3207 **Email:** jerry.rusthoven@austintexas.gov

## DRAFT LANGUAGE IN RED

## § 25-2-1052 - EXCEPTIONS.

- (A) This article does not apply to:
- (1) construction for a residential use that is permitted in an urban family residence (SF-5) or more restrictive zoning district and that complies with SF-5 or more restrictive zoning district site development regulations;
  - ~~[(2) property in a historic landmark (H) or historic area (HD) combining district;]~~
  - ~~[(3)]~~ [2] a structural alteration that does not increase the square footage, area, or height of a building; or
  - ~~[(4)]~~ [3] a change of use that does not increase the amount of required off-street parking.
- (B) This article does not apply if property that triggers the compatibility standards is located in an SF-5 or more restrictive zoning district and is:
- (1) in the 100-year floodplain, in a rural residence (RR) zoning district, and not developed with a single-family dwelling;
  - (2) a buffer zone established before March 1, 1984;
  - (3) a right-of-way, utility easement, or railroad line that is not located on property protected by this article; or
  - (4) developed with a use not permitted in an SF-5 or more restrictive zoning district, if the use fronts on:
    - (a) an arterial street defined by the Transportation Plan; or
    - (b) an industrial street with a right-of-way of at least 80 feet.
- (C) For a property that contains a structure in which a use permitted in an SF-6 or less restrictive district is located and a structure in which a use permitted in an SF-5 or more restrictive use is located, this article does not apply to that portion of the property that is closer to the structure containing the use permitted in an SF-5 or more restrictive district.
- (D) This article does not apply to a passive use, including a park and hike and bike trail, in the 100 year flood plain if:
- (1) the requirements of Chapter 25-8 (*Environment*) are met; and
  - (2) The use is within an easement dedicated to the City, if applicable.
- (E) For an area used or developed as a residential infill or neighborhood urban center special use in a neighborhood plan combining district, this article applies only to the property along the perimeter of the area.

Source: Sections 13-2-731(b), (c) and (e) and 13-2-737; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11; Ord. 041202-16; Ord. 20050519-008; Ord. 20061130-064; Ord. 20090212-070; Ord. 20131017-046.

**RESOLUTION NO. 20160609-049**

**WHEREAS**, compatibility standards exist within the City of Austin Land Development Code to guide and shape the interface between residential and commercial properties; and

**WHEREAS**, compatibility standards provide requirements for commercially zoned properties to be built in a manner designed to minimize the impact on residential properties; and

**WHEREAS**, compatibility standards are thus important tools that protect the quality of life for those who live in residential districts; and

**WHEREAS**, currently properties in a historic landmark (H) or historic area (HD) combining district do not have to comply with compatibility standards; and

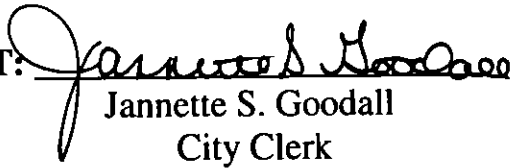
**WHEREAS**, a recent case at the Board of Adjustment brought attention to this gap in current City Code provisions; **NOW, THEREFORE,**

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

The City Council initiates a code amendment to remove Section 25-2-1052 (A)(2) from the City Code, thus requiring properties within a historic landmark (H) or historic area (HD) combining district to comply with the City's compatibility standards.

The City Manager is directed to bring this code amendment back to City Council on or before September 22, 2016.

ADOPTED: June 9, 2016

ATTEST:   
Jannette S. Goodall  
City Clerk

**ORDINANCE NO.****AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE REQUIRING PROPERTY WITH A HISTORIC ZONING CLASSIFICATION TO COMPLY WITH THE CITY'S COMPATIBILITY STANDARDS.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Subsection (A) of City Code Section 25-2-1052 (*Exceptions*) is amended to read as follows:

(A) This article does not apply to:

(1) construction for a residential use that is permitted in an urban family residence (SF-5) or more restrictive zoning district and that complies with SF-5 or more restrictive zoning district site development regulations;

~~[(2) property in a historic landmark (H) or historic area (HD) combining district;]~~

2~~[(3)]~~ a structural alteration that does not increase the square footage, area, or height of a building; or

3~~[(4)]~~ a change of use that does not increase the amount of required off-street parking.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, 2016      § \_\_\_\_\_  
                                  §  
                                  §      Steve Adler  
                                       Mayor

**APPROVED:** \_\_\_\_\_  
                          Anne L. Morgan  
                          City Attorney

**ATTEST:** \_\_\_\_\_  
                          Jannette S. Goodall  
                          City Clerk