

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2016-012 Historic Civic

Description: Consider an amendment to Title 25 of the Land Development Code to require Historic Landmark Commission review of demolition applications when the subject structure is fifty years or older and dedicated to certain civic uses.

Proposed Language: See draft language

Summary of proposed code changes:

- Amending 25-11-213 to require Historic Landmark Commission (HLC) review of demolition applications where the subject structure is fifty years or older and dedicated to civic uses.
- Civic uses that will trigger HLC review include:
 - Administrative services
 - Cemetery
 - College and university facilities
 - Cultural services
 - Hospital services (general)
 - Parks and recreation services (general)
 - Private primary educational facilities
 - Private secondary educational facilities
 - Public primary educational facilities
 - Public secondary educational facilities
 - Religious assembly

Background: Initiated by City Council Resolution 20160623-082

On June 23, 2016, the City Council initiated a code amendment via Resolution 20160623-082, to initiate a code amendment to “*require that any application for a demolition permit of a building fifty years or older and dedicated to civic uses, including but not limited to, ecclesiastical, educational, recreational, charitable, hospital, and other institutional or community use, have a hearing before the Historic Landmark Commission.*”

The proposed amendment would require HLC review for structures fifty years or older that are dedicated to certain civic uses.

Staff Recommendation: Recommended

Board and Commission Actions

July 25, 2016: Recommended by the Historic Landmark Commission on an 8-1 vote.

Item C-13

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C20-2016-012

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

§ 25-11-213 BUILDING, DEMOLITION, AND RELOCATION PERMITS AND CERTIFICATES OF APPROPRIATENESS RELATING TO CERTAIN BUILDINGS, STRUCTURES OR SITES.

- (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 Neighborhood Planning and Zoning 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 ~~[-]; or~~
 - [(8) dedicated to the following civic uses: Administrative services, Cemetery, College and university facilities, Cultural services, Hospital services (general), Parks and recreation services (general), Private primary educational facilities, Private secondary educational facilities, Public primary educational facilities, Public secondary educational facilities, or Religious assembly]
- (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 60 days of receipt of a complete application.
- (G) 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;
 - (3) the expiration of 75 days after the date of the first Commission meeting at which the application is posted on the agenda; or
 - (4) the expiration of 180 days after receipt of a complete application for a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.
- (H) 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.
- (I) 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, such as:
 - (a) construction of a one-story ground-floor addition or outbuilding with no more than 600 square 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.
- (J) 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.

Source: Section 13-2-763; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 041202-16; 20090806-068; Ord. 20111215-091; Ord. 20130829-106.

RESOLUTION NO. 20160623-082

WHEREAS, Imagine Austin affirms that the City Council “[p]rotect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City”; and

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

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

WHEREAS, on April 11, 2016, a building that housed one of the oldest congregations in East Austin, Mount Sinai Baptist Church, was demolished without a hearing by the Historic Landmark Commission; and

WHEREAS, several historic churches and other civic buildings of historical and cultural importance within the City of Austin are currently threatened with demolition, and a number of these structures exhibit significant features in the landscape of African American history; and

WHEREAS, under current code, the Historic Preservation Officer has the discretion to waive the requirement for a hearing before the Historic Landmark Commission for the demolition for a building fifty years or older if the Officer’s research indicates the building or structure may not be of historic or architectural significance; and

WHEREAS, historic buildings such as churches, schools, and libraries retain intrinsic civic value deserving of a hearing before the Historic Landmark Commission; and

WHEREAS, waiving the requirement for a hearing before the Historic Landmark Commission deprives the community of both proper notification and the ability to exercise its right to speak about the proposed demolition; and

WHEREAS, the current Land Development Code requires that structures proposed to be rezoned as historic landmarks be individually listed in the National Register of Historic Places, designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark, or demonstrate significance in at least two of five categories; and

WHEREAS, the first such category is “architecture” and the fourth is “community value,” defined as having “. . . 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”; **NOW, THEREFORE,**

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

The City Council directs the City Manager to immediately require that any application for a demolition permit of a building fifty years or older and dedicated to civic uses, including but not limited to, ecclesiastical, educational, recreational, charitable, hospital, and other institutional or community uses, have a hearing before the Historic Landmark Commission.

BE IT FURTHER RESOLVED:

The City Council initiates amendments to the Land Development Code necessary to require Historic Landmark Commission review of particular building demolition applications as set forth in this resolution. The City Manager will bring

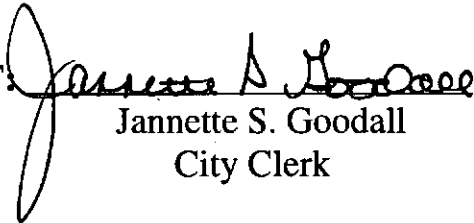
the code amendment to Council for consideration no later than September 22, 2016.

BE IT FURTHER RESOLVED:

The City Manager will work with stakeholders, including the historic preservation community and the Historic Landmark Commission, to deliberate and make recommendations regarding potential amendments to Section 25-2-352 (*Historic Designation Criteria*) of the City Code and to refer to the National Register Criteria for Evaluation of Historic Properties. The City Manager shall report his findings to Council no later than six months from the date of this resolution.

ADOPTED: June 23, 2016

ATTEST:


Jannette S. Goodall
City Clerk

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25-11 OF THE CITY CODE BY ADDING A REQUIREMENT THAT THE HISTORIC LANDMARK COMMISSION REVIEW DEMOLITION APPLICATIONS FOR ALL BUILDINGS OLDER THAN FIFTY YEARS AND DEDICATED TO CERTAIN CIVIC USES.

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

PART 1. Subsection (B) of 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 as follows:

- (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; or [-]
 - (8) dedicated to the following civic uses: administrative services, cemetery, college and university facilities, cultural services, hospital services (general), parks and recreation services (general), private primary educational facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, or religious assembly.

PART 2. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016 §
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 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk