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

PART 1. The City Council makes the following findings:

- (A) Property owners, City staff, and the Historic Landmark Commission currently use the U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Properties to evaluate proposed projects.
- (B) The Secretary of the Interior’s standards are of a general nature and do not provide specific, practical guidance for evaluating projects involving historic properties.
- (C) The current application process for designation of a historic area (HD) combining district is time-consuming and costly and may constitute a barrier to lower-income communities.
- (D) The adoption of historic design standards applicable to all existing and new historic landmarks, new historic area combining districts, and, in an advisory capacity, to National Register districts, will streamline the process, reduce the cost, and allow for equitable participation by all communities across the City.
- (E) In September 2018, the Historic Landmark Commission (Commission) established a working group consisting of historic preservation and design professionals, developers, owners of historic properties, potential historic district residents, and commission members, which created historic design standards applicable to existing and potential historic landmarks and historic area combining districts.
- (F) The commission recommended that Council adopt the working group’s design standards in November 2020.
- (G) The historic design standards are intended to increase equity and accessibility to the historic preservation program, provide clear standards aligned with national standards and best practices in historic preservation, streamline the historic

district application process, and allow for additional density while maintaining compatibility with historic buildings and neighborhoods.

PART 2. Council hereby adopts the historic design standards attached as Exhibit A.

PART 3. City Code Section 25-2-350 (*Contributing Structure Defined*) is amended to read:

§ 25-2-350 DEFINITIONS [~~CONTRIBUTING STRUCTURE DEFINED~~].

In this division:[7]

- (A) CONTRIBUTING STRUCTURE means a structure that contributes to the historic character of a historic area (HD) combining district, was built during the period of significance for the district, and which retains its appearance from that time. An altered structure may be considered a contributing structure if the alterations are minor and the structure retains its historic appearance and contributes to the overall visual and historic integrity of the district. A structure is designated as a contributing structure by the ordinance establishing the historic area (HD) combining district.
- (B) HISTORIC DESIGN STANDARDS means the design standards adopted by council and used by property owners, the historic preservation officer, and the commission to evaluate proposed projects in accordance with the requirements of Section 25-11-213 (*Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites*).
- (C) SUPPLEMENTAL STANDARDS means design standards for a historic area (HD) combining district adopted in accordance with the requirements of Section 25-2-356 (*Historic Area Combining District Ordinance*) and to be considered in addition to historic design standards adopted by council where required by Code.

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

§ 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) An applicant may submit supplemental standards as described in Section 25-2-356 (*Historic Area Combining District Ordinance*) as part of an application to designate an area as a historic area (HD) combining district.
- ~~(D)~~ (E) Prior to action by the Historic Landmark Commission on an application to designate an area as a historic area (HD) combining district, the historic preservation officer shall forward the supplemental standards, if any, [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 Building [Builder] (or successor) program for review and written recommendations regarding the opportunity to incorporate sustainable elements into the supplemental standards. [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.

PART 3. Subsection (B) of City Code Section 25-2-355 (*Historic Landmark Commission Review*) is amended to read as follows:

- (B) If the Historic Landmark Commission recommends designation of a historic landmark (H) or historic area (HD) combining district, it shall send a recommendation to the Land Use Commission and the council that includes:
- (1) a statement of the reasons for recommending designation of the district;

- 98 (2) a legal description of the boundary of the district;
- 99 (3) maps, photographs, and histories of the structures, sites, or areas located
- 100 in the district as required by administrative rule;
- 101 (4) findings that support the criteria for designating the district and that
- 102 establish the importance of the district; and
- 103 (5) for a historic area (HD) combining district, the materials [a historic area
- 104 district preservation plan and list of designated contributing structures]
- 105 as] described in Section 25-2-356 (*Historic Area Combining District*
- 106 *Ordinance [and Preservation Plan Requirement]*).

107 **PART 4.** City Code Section 25-2-356 (*Historic Area District Ordinance and*

108 *Preservation Plan Requirement*) is amended to read as follows:

109 **§ 25-2-356 HISTORIC AREA COMBINING DISTRICT ORDINANCE [AND**

110 **PRESERVATION PLAN REQUIREMENT].**

111 (A) An ordinance zoning or rezoning property as a historic area (HD) combining

112 district must:

- 113 (1) describe the character-defining features of the district;
- 114 (2) adopt supplemental standards, if any [include a plan to preserve those
- 115 features]; and
- 116 (3) list the designated contributing structures.

117 (B) Supplemental standards [A preservation plan]:

- 118 (1) may modify regulations relating to building setbacks, building height,
- 119 compatibility, landscaping, parking, or signs; [or]
- 120 (2) may prescribe regulations relating to design, scale, or architectural
- 121 character of, or materials for:
- 122 (a) the exterior of a contributing structure or a new structure; and [or]

(b) public facilities, including street lighting, street furniture, signs, landscaping, utility facilities, sidewalks, and streets[-]; and

(3) must be consistent with the historic design standards and be based on the features and characteristics of the district.

~~[(C) Consistent with the character defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain collection systems and drought tolerant, native, and edible landscaping and gardens.]~~

PART 5. Subsection (A) of City Code Section 25-11-212 (*Certificate Required*) is amended to read:

(A) Until a person obtains a certificate of appropriateness from the Commission or the building official, the person may not:

(1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials; [or]

(2) change, restore, remove or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 25-11-214[3] (*Pendency Of Designation*);[-] or

(3) construct a new, standalone, ground-up structure on a historic landmark (H) property or within a historic area (HD) combining district.

PART 6. 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 add new Subsections (K) and (L) to read:

(K) For properties subject to 25-11-212 (*Certificate Required*), the historic preservation officer and the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b) and:

- (1) except as provided in Subsection (K)(2), the historic design standards and the supplemental standards, if any; or
- (2) for a property located within an area designated as historic area (HD) combining district prior to the effective date of this ordinance, the design standards applicable to that district.

(L) Owners of properties located within a National Register Historic District are not required to comply with the historic design standards for new construction or alterations to existing contributing buildings; however, projects within such districts subject to the requirements of this section are subject to advisory review by the historic preservation officer and the commission, which shall consider the historic design standards in making their recommendations.

PART 7. City Code Section 25-11-243 (*Action on a Certificate of Appropriateness*) is amended to read:

25-11-243 ACTION ON A CERTIFICATE OF APPROPRIATENESS

(A) This section applies to an application under Section 25-11-212 (*Certificate Required*) ~~[25-11-241(A) or (B) (*Application For Certificate*)]~~.

(B) If the commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark or historic area combining district:

- (1) the commission shall issue a certificate of appropriateness; and
- (2) the commission shall provide the certificate to the building official not later than the 30th day after the date of the public hearing.
- (3) The building official shall provide the certificate to the applicant not later than the fifth day after the day the building official receives the certificate from the commission.

(C) If the commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark or historic area combining district:

(1) the commission shall notify the building official that the application has been disapproved; and

(2) the commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:

(a) the disapproval; and

(b) the changes in the application that are necessary for the commission's approval.

(D) For properties subject to Section 25-11-212 (*Certificate Required*), the historic preservation officer and the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b) and:

(1) except as provided in Subsection (D)(2), the historic design standards and the supplemental standards, if any; or

(2) for a property located within an area designated as historic area (HD) combining district prior to the effective date of this ordinance, the design standards applicable to that district.

(E) Owners of properties located within a National Register Historic District are not required to comply with the historic design standards for new construction or alteration to existing contributing buildings; however, projects within such districts subject to the requirements of Section 25-11-213 (*Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites*) are subject to advisory review by the historic preservation officer and the commission, which shall consider the historic design standards in making their recommendations.

PART 7. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk