

Historic Preservation Code Revisions

On August 6, 2009, the Austin City Council will consider several revisions to the City Code regarding preservation, including, among other things: revise criteria to apply for Local Historic District status, , prohibit the demolition by neglect of historic properties, revise the vote requirements for Historic Landmark Commission historic zoning recommendation, revise Historic Landmark Commission review of requested demolition permits and zoning, clarify the Historic Preservation Officer's authority to administratively approve minor projects in National Register Historic Districts, and to clarify City Code Section 11-1-22 regarding property tax exemptions for historic landmarks. Specific proposed code revisions are below:

- Clarifies the percentage of assessed value exempted for stand-alone historic landmarks, consistent with the intent of Council and Task Force (Sec. 11-1-22(B)(2));
- Establishes with TCAD that an entire tax parcel containing a historic structure is reasonably necessary for access to and use of the structure, unless stated otherwise by Council (Sec. 11-1-22(C));
- Requires petition of the owners of at least 51% of the land in the proposed district to initiate zoning of a district, a reduction from the current 60% (Sec. 25-2-242(5));
- Codifies that City-owned property may account for up to one-third of the 51% of the land within a local historic district necessary for the petition requirements to initiate zoning of a district (Sec. 25-2-242(5));
- Removes application requirements from Code requiring applicants to submit inventories and ownership and occupancy histories, to be addressed administratively or within the application process (Sec. 25-2-353(B), Sec. 25-2-355(B)(3));
- Removes the requirement from Code that an evaluation of an application be made, at applicant's expense, by a person meeting the Secretary of the Interior's professional standards, also to be addressed administratively or within the application process (Sec. 25-2-353(C));
- Revises the supermajority vote necessary by the Historic Landmark Commission to initiate historic zoning upon submission of a written statement protesting historic zoning from three-quarters to two-thirds, to reflect the reduction in membership (Sec. 25-2-355(C));
- Clarifies that a written statement protesting historic zoning and triggering the supermajority zone must be from a record owner, as opposed to a notice owner (Sec. 25-2-355(C));

- Expands the historic preservation officer's ability to administratively approve changes or restorations to historic structures that do not visibly affect the historic character of the structure from an adjacent public street (Sec. 25-11-212(B)(3));
- Expands the classes of properties that shall trigger review by the historic preservation officer or Commission, currently limited to structures located in a National Register Historic District or listed in an approved survey of historic structures (Sec. 25-11-213);
- Revises time limits for action by the historic preservation officer and Commission to better conform with meeting schedules, and tolls time limits for action upon postponements requested or agreed to by the applicant (Sec. 25-11-213(E)-(G), 25-11-249);
- Makes conforming changes to address the triggering of pendency of designation protections for structures (Sec. 25-11-214); and
- Adds a new section establishing a procedure to address the omission of necessary repairs or demolition by neglect of a historic structure (Sec. 25-11-216 et. seq).