

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 14-11 (USE OF RIGHT-OF-WAY) OF THE CITY CODE TO EXEMPT EXISTING HISTORIC BUILDINGS OR STRUCTURES FROM THE REQUIREMENT TO OBTAIN AN ENCROACHMENT AGREEMENT OR LICENSE AGREEMENT IN ORDER TO CONTINUE ENCROACHING INTO A CITY RIGHT-OF-WAY OR EASEMENT, UNDER CERTAIN CONDITIONS.

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

PART 1. City Code Chapter 14-11 (Use of Right-of-Way), Article 1 (Disposition of Public Easements and Right-of-Ways) is hereby renamed “Disposition of Public Easements and Rights-of-Way”;

PART 2. City Code Section 14-11-2 (Exceptions for Certain Uses of Public Property) is hereby amended to add a new Subsection (B) and is amended to read:

§ 14-11-2 EXCEPTIONS FOR CERTAIN USES OF PUBLIC PROPERTY.

(A) A person is not required to obtain a license for the private use of public property for~~[a]~~:

- (1) a temporary construction barricade;
- (2) a banner over a street;
- (3) a temporary street closing;~~[or]~~
- (4) a landscaped area or structure, as defined in Section 25-1-21 (Definitions), in a public easement if the director of the Austin Transportation and Public Works Department determines that the landscaped area or structure existed before the creation of the easement and does not interfere with the use of the easement;~~[or]~~
- (5) a circumstance in which a minor or temporary encroachment occurs that is regulated by another provision of the Code; or
- (6) an existing building or structure located on a site with historic landmark (H) combining district zoning or historic area (HD) combining district zoning, if:

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(a) council has previously designated the structure as a historic building or structure, and

(b) the director of the Austin Transportation and Public Works Department determines that the historic building or structure does not interfere with the use of the right-of-way or easement.

(B) Subsection (A)(6) does not apply to:

(1) a building or structure located on a site zoned (H) or (HD) but not contributing to the designation or constructed within the period of significance as defined in the ordinance establishing (H) or (HD) zoning;

(2) new improvements or additions to an existing historic structure; or

(3) non-historic elements of a historic building or structure.

PART 3. City Code Section 14-11-43 (Annual Fee), Subsection (C), is hereby amended to read:

(C) An annual fee shall not be assessed if the license agreement is for [÷

~~(1) a structure that:~~

~~(a) is designated as a historical structure; or~~

~~(b) has received a historic zoning designation from the City; or~~

~~(c) is located on property in a historic zoning district; or~~

~~(2)]property dedicated to the City without charge if the dedicator continues to possess the adjacent property or an underlying interest in the adjacent property that will benefit from the license.~~

