

AN ORDINANCE 2015-10-29-0922

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO REVISE THE HISTORIC DISTRICT DESIGNATION PROCESS AND TO REVISE THE PENALTIES FOR DEMOLITION OF HISTORIC STRUCTURES BY NEGLECT.**

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**WHEREAS**, the Office of Historic Preservation received a City Council Request (CCR) requesting review of the current law, policies and procedures relating to the designation of Historic Districts and the enforcement of City ordinances to prevent demolition of historic structures by neglect; and

**WHEREAS**, on June 18, 2015, the Infrastructure and Growth Council Committee recommended changes to the city of San Antonio Unified Development Code historic district creation process, and changes to the city of San Antonio Unified Development Code penalties for demolition of historic structures by neglect, and recommended further review in City Council B Session; and

**WHEREAS**, on September 16, 2015, the City Council B Session also recommended these changes to Article VI of the city of San Antonio Unified Development Code; and

**WHEREAS**, the Zoning Commission has recommended approval of these amendments; and

**WHEREAS**, the Historic and Design Review Commission has recommended approval of these amendments; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Code of San Antonio, Texas is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** Chapter 35 of the City Code of San Antonio, Texas is amended as follows:

*Chapter 35, Article VI, Section 35-605 is amended as follows:*

**Sec. 35-605. Designation Process for Historic Districts.**

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(b) Processing Applications for Designation of Historic Districts.

- (1) Initiation. Any person owning property within the proposed area, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Properly submitted applications shall remain valid

for one (1) year ~~two (2) years~~ from the date it is deemed complete and thereafter shall be expired. Requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed applications shall be returned to the office of historic preservation for review and processing as applicable. To the extent that this paragraph conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.

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- (3) Decision. Following an informational meeting and notice of the receipt of an application for a proposed designation, the historic preservation officer shall provide a mailed ballot to the owner or owners of property within the proposed historic boundary. When the historic preservation officer has received verifiable written support from the owners of at least fifty-one (51) ~~thirty (30)~~ percent of the properties within the proposed historic district boundary the historic preservation officer shall forward the application to the historic and design review commission for a public hearing and recommendation. The historic preservation officer shall not accept written support for an expired application, however previous support that is verifiable may be resubmitted to support a new application. Property ownership shall be verified utilizing the last certified tax rolls of the appropriate county tax assessor collector for the proposed area. For purposes of calculating the support of fifty-one (51) ~~thirty (30)~~ percent of the property owners, each property as listed on the tax rolls shall be counted individually, regardless of whether an individual or group owns multiple properties within the proposed area. Properties owned by governmental entities shall not be counted in the fifty-one (51) ~~thirty (30)~~ percent support requirement, although their written preference may be submitted to any board, commission or to city council for their consideration. Additionally, for properties owned by more than one (1) party, only one (1) property owner need submit written support in order for the historic preservation officer to count the property in the calculation. The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing at least thirty (30) days prior to the historic and design review commission hearing on the historic district designation. The historic and design review commission shall make its recommendation for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be submitted to the zoning commission with the historic and design review commission recommendation. The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council

shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating an area as historic, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

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*Chapter 35, Article VI, Section 35-615 is amended as follows:*  
**Sec. 35-615. - Prevention of Demolition by Neglect.**

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(c) Enforcement.

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(3) Penalties.

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(iv) If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard ~~and the owner thereof shall have received two (2) or more notices from the director of code compliance of building neglect in violation of this and other city ordinances,~~ no application for a permit for a project on the property may be considered for a period of five (5) years from the date of demolition of the structure provided that the following have occurred prior to an order for demolition:

- A. The owner thereof has received two (2) or more notices of building neglect in violation of this and other city ordinances from the historic preservation officer and the director of development services, or their designees;
- B. At least two municipal court cases have been filed in an attempt to enforce applicable provisions of the City Code;
- C. A verified consultation between the owner, historic preservation officer, and the director of development services has occurred.

Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period, nor shall a parking lot for vehicles be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition.

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**SECTION 3.** All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

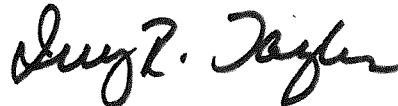
**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 6.** The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

**SECTION 7.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 29<sup>th</sup> day of October, 2015.



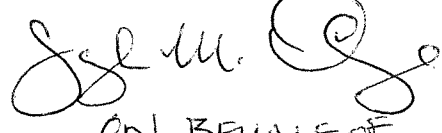
M A Y O R

Ivy Taylor

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
ON BEHALF OF  
Martha G. Sepeda, Acting City Attorney

<b>Agenda Item:</b>	14						
<b>Date:</b>	10/29/2015						
<b>Time:</b>	11:32:43 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas to revise the Historic District Designation process and to revise the penalties for demolition of historic structures by neglect. [Lori Houston, Assistant City Manager; Shanon Miller, Director, Office of Historic Preservation]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				