

AN ORDINANCE 2012-12-06-0932

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO REVISE THE HISTORIC DISTRICT DESIGNATION PROCESS AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of San Antonio (“City”) has twenty-seven (27) historic districts; six River Improvement Overlay (RIO) Districts, over 1,200 individually designated local landmarks and more than 2,000 recorded archaeological sites; and

WHEREAS, on September 18, 2012, the Quality of Life Council Committee recommended changes to the city of San Antonio Unified Development Code historic district creation process; and

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

WHEREAS, the Zoning 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.

(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 two 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 ~~request forms~~ shall be returned to the office of historic preservation for review and processing as applicable. ~~Requests for historic district designation shall not be processed by the office~~

~~of historic preservation if the owners representing at least fifty one (51) percent of the property or fifty one (51) percent of the property owners located within the boundaries of the proposed historic district oppose the designation in writing and present such opposition to the historic preservation officer unless a request for historic district designation is authorized by the city council.~~ 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.

In addition to any other conditions established by section 35-605, applications for historic designation shall meet the following criteria:

A. ~~Informational Meeting Submittal Deadline~~ and Notice. Provided that the historic preservation officer agrees that the proposed area indicated in the application is appropriate for designation, the office of historic preservation staff shall hold at least one public meeting to provide information to property owners in the proposed designation area regarding the application and historic designation process. ~~announce the effort to obtain historical designation.~~ Prior to the required public meeting, the historic preservation officer shall send notice by mail of the receipt initiation of an application for a proposed designation by mail to the owner or owners of affected property within the proposed historic boundary as well as stating the purpose, date, time and place of the public meeting. This notice shall be in addition to notice given prior to public hearing as set forth under the city's zoning code. The historic preservation officer shall also send notice of the public meeting to any registered neighborhood associations located within the proposed district boundary.

B. Owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they would like for the historic preservation officer to consider for designation as non-contributing to the historic district. Such submission shall be treated in accordance with Section 35-619.

(2) Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review applications and submitted written support ~~opposition~~ for completeness.

(3) Decision. ~~Provided that at least 90 days have passed since the public meeting and~~ When the historic preservation officer has received verifiable written support from the owners of at least 30% of the properties within the proposed historic district boundary not received written opposition from at least 51% of the property owners in the proposed designated area, 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 30% 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 30% 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 party, only one 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 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.

Chapter 35, Article IV, Section 35-403 is amended as follows:

Sec. 35-403. Notice Provisions.

Table 403-1

Notice Requirements

TABLE INSET:

Table 403-1
Notice Requirements

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(k)
Type of notice	Amendments to Master Plan	Rezoning	Master Development Plan	Items Requiring Public Hearing Before the Board of Adjustment	Subdivision Plat, Major	Subdivision Plat, Minor	Certificate of Appropriateness (Not Including Administrative Approval Certificates)	Permits, Orders or Approvals Not Mentioned Requiring Public Hearing	Request for Demolition of a Historic Landmark or Potential Historic Landmark	<u>Historic Designation Application Approved by Historic Preservation Officer</u>
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	—	*	*(6)	*(6)	—	*	—	—
Mail: Written notice of the public hearing shall be sent.	—	*(1)(2)(3)	—	*(1)(2)	*(6)	*(6)	—	*(1)	*(1)(2)	*(2)(8)
Internet: Post notice on the city's Internet website until the process has been completed.	*(7)	*	*(7)	*	*(7)	*(7)	*	*	*	—
Signage: Post a sign on the property subject to the application. Signs to be installed and provided by the city	—	*(4)(5)	—	—	—	—	*	—	*	—

Notes:

(1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property, within two hundred (200) feet of the property. Notice for zoning cases shall be sent prior to the tenth day before the date of the public hearing at the zoning commission. Notice for demolition applications shall be sent prior to the seventh day before the date of the public hearing at the historic design and review commission.

(7) Notice will include project name, number of acres, and approximate location.

(8) 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 30 days prior to the historic and design review commission hearing on the historic district designation.

Chapter 35, Appendix B, Section 35-B129 is amended by removing the current Application for Landmark or Historic District Designation in its entirety and replacing with the following two forms:



**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR
HISTORIC DISTRICT DESIGNATION**

DATE/TIME STAMP

I. LOCATION AND CLASSIFICATION

Neighborhood Association Name: _____

Proposed Historic District Name: _____

Approximate number of properties within proposed district boundary: _____

Application must be accompanied by a map of the proposed boundary.

II. APPLICANT INFORMATION

Applicant Name: _____

Address (must be within proposed district): _____

Mailing Address (if different): _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

The Office of Historic Preservation designates landmarks and historic districts on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the area meets the criteria for historic district designation as outlined by the Unified Development Code.

I, THE APPLICANT, DECLARE THAT I AM AN OWNER OR AUTHORIZED AGENT OF AN OWNER(S) OF PROPERTY WITHIN THE PROPOSED BOUNDARY AREA TO REQUEST HISTORIC DESIGNATION OF THIS DISTRICT AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of typical examples of buildings within the proposed district**
- **Statement of Significance** (including a description of the history, architectural styles, and people associated with the district). Please provide references and sources for any research.
- **Map of proposed district boundary**

AZJ
12/06/12
Item No. 15

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation
Development and Business Services Center
1901 S. Alamo
San Antonio, TX 78283-3966
Telephone: (210) 207-7991

Historic district designation is a zoning overlay that provides protection for historic properties from hasty demolition and inappropriate or incompatible development through a design review process for exterior alterations. Please refer to the City of San Antonio Historic Design Guidelines and Standards for additional information, available at: <http://www.sanantonio.gov/historic/HistoricDistrictGuidelines.aspx>.

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**CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR
HISTORIC LANDMARK DESIGNATION**

DATE/TIME
STAMP

I. LOCATION AND CLASSIFICATION

Property Address: _____

Proposed Landmark Name (Common Name): _____

Parcel Identification: NCB _____ Block _____ Lot _____

Current Zoning _____

Private Property River Improvement Overlay Public Property Other

II. OWNER / APPLICANT (AUTHORIZED AGENT) INFORMATION

Owner Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

Applicant (Authorized Agent) Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

E-Mail: _____

The Office of Historic Preservation designates landmarks on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the property meets the criteria as outlined by the Unified Development Code.

I, THE APPLICANT, DECLARE THAT I AM THE OWNER OR AUTHORIZED AGENT OF THE OWNER(S) TO REQUEST HISTORIC LANDMARK DESIGNATION OF THIS PROPERTY AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature _____

Date: _____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of all four sides** of the building
- **Statement of Significance** including an architectural description, history of the property, and people associated with the property. Please provide references and sources for any research.
- **Copy of the current tax appraisal details**, available from Bexar County Appraisal District or www.bcad.org
- **Copy of the current Warranty Deed**, on file with the County Clerk or available online at <https://gov.propertyinfo.com/tx-bexar/>.
- **Signed Authorization form from the Zoning Application** granting the Office of Historic Preservation permission to act as the applicant for the historic zoning overlay (available from OHP staff).

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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.

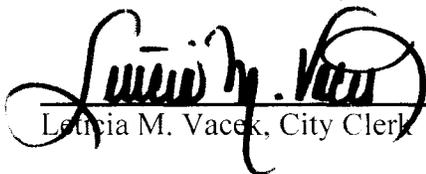
SECTION 6. The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

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.

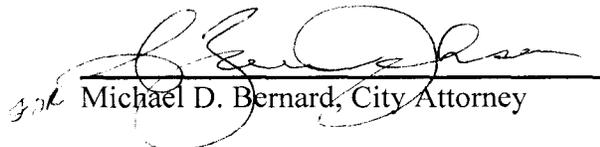
PASSED AND APPROVED this 6th day of December, 2012.

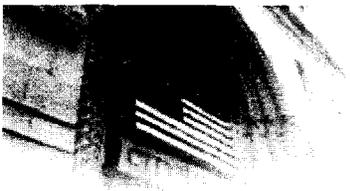

M A V O R
Julián Castro

ATTEST:

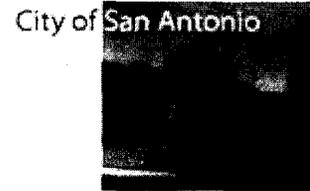

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - 15

Name:	5, 6, 7, 8A, 8B, 9, 10A, 10B, 11, 12, 13, 14, 15, 16A, 16B, 17A, 17B, 17C, 18, 19, 20, 21, 23, 24, 25, 26A, 26B
Date:	12/06/2012
Time:	02:23:22 PM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas to revise the historic district designation process and providing an effective date. [David Ellison, Assistant City Manager; Shanon Shea Miller, Historic Preservation Officer, Office of Historic Preservation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
Carlton Soules	District 10		x				