AN ORDINANCE 2014-04-10-0229

AUTHORIZING AN AMENDMENT TO CHAPTER 10, ARTICLE XII, SECTION 10-119, DEMOLITION CONTRACTOR LICENSES AND BONDING; DEMOLITION PERMIT REQUIREMENTS, AND THE ADDITION OF A NOTE TO CHAPTER 35, ARTICLE VI, SECTION 35-614, DEMOLITION, OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO PROVIDE FOR A TIME PERIOD OF ONE FULL BUSINESS DAY FOLLOWING THE DATE OF THE FINAL VOTE OF THE BOARD OR COMMISSION OR THE DECISION OF AN ADMINISTRATIVE OFFICIAL AUTHORIZING THE ISSUANCE OF A DEMOLITION PERMIT.

* * * * *

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

WHEREAS, the demolition of the former Univision building located at 411 E. Cesar Chavez raised questions concerning the City's demolition and appeal process; and

WHEREAS, the City's Development Services Department and the Office of Historic Preservation, in coordination with the City Manager's Office, undertook a review of the events and issues and recommended an amendment to Chapter 10, Building-Related Codes, Article XII Licensing and Registration, and the addition of a note in Chapter 35, Article VI, Historic Preservation and Urban Design, Division 2 Historic Preservation, providing for passage of one full business day following the date of the hearing or decision before a permit will be issued authorizing such demolition; **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 amended by adding the language that is underlined (<u>added</u>) to the existing text.

SECTION 2. Chapter 10, Article XII, Section 10-119, Demolition contractor licenses and bonding; demolition permit requirements, of the City Code of San Antonio, Texas is amended by adding a business day wait period prior to demolition permit issuance following Board of Adjustment action as follows:

10-119 Demolition contractor licenses and bonding; demolition permit requirements

(i) Revocation; appeals. The building official may revoke a demolition permit required by this chapter when the conditions under which the permit is granted have been violated. Revocation is discretionary on the building official and contractor shall be afforded an appellate hearing in front of the board of adjustment. A person requesting to appeal the decision of the building official must submit a written request and the fee within ten (10)

days of the revocation. If the person makes a written request to the director for the decision detailing revocation in writing, such decision shall issue. If a decision is made by the Board of Adjustment to overturn the revocation of the demolition permit, the decision shall stay any issuance of a demolition permit until the business day following the day after the decision of an administrative official or the final vote of the Board of Adjustment overturning the revocation.

SECTION 3. Chapter 10, Article XII, Section 10-119, Demolition contractor licenses and bonding; demolition permit requirements, of the City Code of San Antonio, Texas is amended by adding a new business day waiting period section as follows:

(o) Waiting Period. A Demolition Permit shall not be issued prior to the business day following the day after the decision of an administrative official or the final vote of the Board of Adjustment authorizing the issuance of the demolition permit if the application for such permit:

(1) results in the initiation of an application for a determination of historic significance; or
(2) requires a recommendation from the Historic and Design Review Commission; or
(3) is subject to consideration by any other board or commission of the City and either Subsection (o)(1), or Subsection (o)(2) applies to the demolition.

SECTION 4. Chapter 35, Article VI, Section 35-614, Demolition, of the City Code of San Antonio, Texas is amended by adding a new note as follows:

35-614 Demolition

(e) Issuance of Permit: When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0-2,500 square feet = $2,000.00

2,501-10,000 square feet = $5,000.00

10,001-25,000 square feet = $10,000.00

25,001-50,000 square feet = $20,000.00

Over 50,000 square feet = $30,000.00

NOTE: Refer to City Code Chapter 10, Section 10-119 (o) regarding issuance of a permit.

SECTION 5. 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 6. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

SECTION 7. All references to the board of adjustment in Chapter 10, Section 10-119 shall be capitalized to read Board of Adjustment.

SECTION 8. No other provision of the City Code is amended. All other provisions shall remain in effect unless expressly amended by this Ordinance.

SECTION 9. The publishers of the City Code are authorized to amend the City 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 10. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 10th day of April, 2014.

M A Y O R
for Julián Castro

Attest:

Leticia M. Vacek, City Clerk

Approved As To Form:

Robert F. Greenblum, City Attorney

Agenda Item:	**15 (in consent vote: 4, 5, 6, 7, 8, 9, 12, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26, 27)**
Date:	04/10/2014
Time:	09:31:12 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing an amendment to Chapter 10, Article XII, Section 10-119, Demolition Contractor Licenses and Bonding; Demolition Permit Requirements, and the addition of a note to Chapter 35, Article VI, Section 35-614, Demolition, of the City Code of San Antonio, Texas, to provide for a time period of one full business day following the date of the Board or Commission hearing or decision authorizing the issuance of a demolition permit. [Erik Walsh, Deputy City Manager; Roderick Sanchez, Director, Development Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor	x					
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				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				