



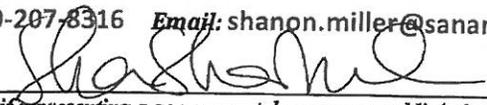
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature: 

Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
 (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal changes references to subsection (c)(3) to subsection (c) to correct erroneous UDC cross-references. This proposal also revises and reconciles conflicting language and standards relating to demolition of historic landmarks, historic districts, and undesignated properties within historic districts to replace inconsistent and legally inappropriate standards with a single standard accessible to laypersons. This proposal also adds "irrevocable" to all references to trust agreements to clarify the required type.

FORMATTED PROPOSAL –

Sec. 35-614. - Demolition.

(a) Applicability.

(1) Historic Landmark. No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of demonstrates clear and convincing evidence supporting an unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided is subsection (c)(3) in order to receive a historic and design review commission recommendation for a certificate for demolition.

(2) Entire Historic District. If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission he has to provide clear and convincing evidence of economic hardship on the applicant if the application for a certificate is to be approved.

(3) Property Located in Historic District and Contributing to District Although Not Designated a Landmark. No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission of demonstrates clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided is subsection (c)(3) in order to receive a certificate for demolition of the property.

(b) Unreasonable Economic Hardship . . . (2) Burden of Proof. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate). When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission ~~prove by a preponderance of the evidence that:~~

(3) Criteria.

xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable a trust for completion of improvements, or a letter of commitment from a financial institution; and

(c) Loss of Significance . . . In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission established by a preponderance of the evidence that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation.



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature: 

Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal changes references to the HDRC to references to the HPO to more accurately reflect actual procedure. This proposal also eliminates a in-text definition and references a definition in Appendix 'A' to avoid confusion.

FORMATTED PROPOSAL –

Sec. 35-679. - Other Requirements and Regulations.

(d) Monuments, Markers, Memorials, and Acknowledgements. Monuments, markers or memorial plaques are not permitted on the riverside of property abutting the river, or within the publicly owned right-of-way without the express written consent of the historic preservation officer ~~historic and design review commission~~.

D. Placement of monuments, memorials and markers will be under the jurisdiction of the director of parks and recreation, rather than the director of planning, after consultation with the historic preservation officer ~~historic and design review commission~~.

(e) Vending in the Riverwalk Area.

(1) Definitions. The following definitions apply to this subsection 35-679(e) in addition to those definitions contained in Appendix "A":

Vend shall have the meaning provided in Appendix A. ~~means offering goods, merchandise, or services in exchange for compensation; accepting compensation in exchange for goods, merchandise, or services; or distribution or display of merchandise or commercial advertising matter.~~



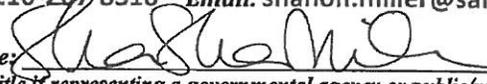
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature:  **Date:** 5.1.15
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal removes reference to repealed sections of Texas Administrative Code. This proposal also adds language stating tie votes and insufficient majorities constitute passage of a motion to reconsider so as to clarify the result of failed votes. This proposal also substitutes "recusal" for "abstention" by conflicted commissioners in order to employ more legally accurate language.

FORMATTED PROPOSAL –

Sec. 35-803. - Historic and Design Review Commission.

(c) Composition and Qualifications. In appointing members of the commission, the city council shall make appointments that are sensitive to the preservation and development goals of the city and will enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic Commission, chapter 15, ~~specifically 13 TAC 15.6(f)(3)(C)~~, so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."

(j) Quorum.

(1) A quorum of the commission shall require six (6) members present. The affirmative votes of a majority of the members present is required for action, except in the case of an application for demolition which shall require a two-thirds (2/3) majority of the members present for a recommendation of approval.

(2) Except when considering an application for demolition or a question of procedure or qualification, when a motion to approve, deny, or approve with conditions fails to pass with the requisite number of five votes, such outcome shall be deemed to be the approval of a motion to reconsider the question, and an automatic continuance to the next regularly scheduled meeting of the commission.

(3) Subpart (2) shall apply only when an application has been heard and the chair calls for motions, and so long as no subsequent motions on the application are made.

(k) Conflicts of Interest. No member of the commission shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall refrain from all discussions of the matter with other commissioners, not be present when the matter is considered, and not vote on the matter, and file all required written recusal documents. give notice of abstention from voting prior to the taking of a vote.



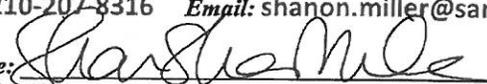
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature:  _____
(Include title if representing a governmental agency or public/private organization)

Date: 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal updates to the proper procedure by adding language requiring RIO boundary changes go to HDRC before Zoning Commission.

FORMATTED PROPOSAL –

Sec. 35-338. "RIO" River Improvement Overlay Districts.

(f) Administration. River improvement overlay districts shall be governed in accordance with division 5 of article IV of this chapter, except that proposed changes to the boundary of a "RIO" shall be first submitted to the HDRC for review and recommendation before going to the Zoning Commission.



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature: Shanon Miller Date: 5.1.15
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

In order to prevent plat deferral from enabling projects to avoid archaeological review, this proposal adds a requirement to the plat deferral criteria that the proposed plat location be determined unlikely to contain archaeological sites.

FORMATTED PROPOSAL –

Sec. 35-434(a). - Plat Deferral.

(a) Applicability. The planning commission may grant a deferral of the requirement to plat for a subdivision of four (4) or fewer lots to allow a submittal for a building permit and/or utility services prior to plat approval. The time period for which the platting requirement may be deferred shall not exceed one hundred eighty (180) days. An application to defer platting may be filed if the following conditions are met:

(12) The proposed plat is not within an area that contains or may potentially contain significant archaeological sites.



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature: Shanon Miller
(Include title if representing a governmental agency or public/private organization)

Date: 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal adds language to the 60 day timeline for HDRC consideration to resolve a conflict with Section 455(d) which bars HDRC consideration for 60 days in demolition cases. This proposal also changes "deemed recommended . . . for approval" to "for disapproval" in order to correct a misprint. This proposal also clarifies the timeline for notice of City manager approval of Certificates of appropriateness because the current timeline ignores weekends and holidays. This proposal also clarifies unclear language

to the effect that the City Manager may approve Certificates of Appropriateness notwithstanding the HDRC not making a recommendation to do so.

FORMATTED PROPOSAL –

Sec. 35-451. - Certificate of Appropriateness.

(d) Decision.

(1) Commission Review.

The commission shall make its written final recommendation to either approve, deny, or approve with stipulations the application within sixty (60) days after the historic preservation officer's receipt of the completed application. In cases involving demolition applications, the Historic Preservation Officer may extend this timeline consistent with Section 35-455(d).

. . . If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for ~~disapproval~~-approval, and the city manager or her designee shall either approve, deny or approve with conditions the application within five (5) days of the applicant's demand.

(2) City Manager Review. Upon receipt of the recommendation by the commission, or on their own initiative, the city manager or designee may implement such recommendation by notifying the applicant within ten (10) business days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved.



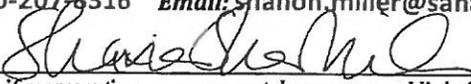
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature:  Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal adds criteria for an HPO determination of significance regarding demolition applications and a requirement for a written record of the decision rationale in order to give substance to the right of appeal and to document the justification for the determination for a reviewing body.

Sec. 35-455. Demolition Permit Applications.

(d) Decision.

(2) Other Demolition Permits. If the property is not a historic landmark, contributing property, or an intrusion in the district, the historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application and shall notify the director of planning and development services in writing. In making this determination, the historic preservation officer shall apply the appropriate definitions in Appendix A of this chapter, as well as any applicable standards or guidelines adopted by the city council. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. The historic preservation officer shall retain a written statement summarizing the reasons for their determination for such period as required under applicable record retention laws.



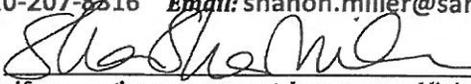
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8216 **Email:** shanon.miller@sanantonio.gov

Signature:  _____
(Include title if representing a governmental agency or public/private organization)

Date: 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal changes a reference to Article VII to read Article VI to rectify an incorrect reference. This proposal also adds a remedy for the city to recover costs to correct violations in order to alert applicants that liens may be filed for noncompliance.

FORMATTED PROPOSAL –

Sec. 35-491. Civil Enforcement.

(c) Penalties.

(3) Civil Penalties Regarding Article VI, Historic Preservation. The civil penalties for violation of any section or other part of article VI of this chapter is as follows:

A. Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any building, object, site, or structure in violation of any section or other part of article ~~VI~~ ~~VII~~ shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation.

(d) Remedies.

4. Repayment Obligation. Whenever the city, under subsection (a), shall expend funds to correct a violation of this code, the city shall be entitled to repayment by the violator, and may take any appropriate action, including filing a lien against the property, to secure such repayment.



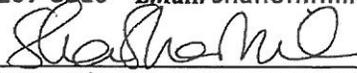
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature:  _____
(Include title if representing a governmental agency or public/private organization)

Date: ~~5.1.15~~ 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal changes 35-605(d) to (c) so as to eliminate a numbering gap.

FORMATTED PROPOSAL –

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

(c) ~~(d)~~ Historic District Guidelines.



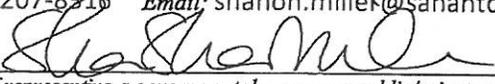
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature:  Date: 5.1.15
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY -

To update documentation procedures to include modern-day technology.

FORMATTED PROPOSAL -

Sec. 35-614. Demolition.

(d) Documentation and Strategy

(1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer or provide a set of digital photographs in RGB Color. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.



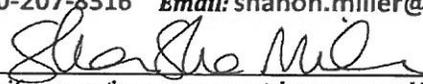
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature:  _____
(Include title if representing a governmental agency or public/private organization)

Date: 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal adds a requirement for a written record of an HPO determination a structure is 'non-contributing' in order to provide a record of the reasoning behind the determination so as to give substance to the right of appeal and give an appellate body clear rationale for the administrative decision.

FORMATTED PROPOSAL –

Sec. 35-619. Non-Contributing Structures.

Requests for determination of whether an object, building, structure or sign are contributing or non-contributing to a historic landmark or historic district shall be made on an application obtained from the historic preservation officer through the office of historic preservation. The historic preservation officer shall review the application for completeness and shall make a determination whether the subject of the application is contributing or non-contributing within thirty (30) days of deeming the application complete. The historic preservation officer shall retain, for such period as required under applicable record retention law, a written statement summarizing the reasons for the determination. The historic preservation officer may, at his or her discretion, present the application form to the historic and design review commission for their recommendation.



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature: _____

Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY -

This proposal requires compliance with Archaeological procedures regarding human remains under the State Health and Safety Code, in order to bring the UDC into conformity with 2009 changes to those regulations.

FORMATTED PROPOSAL -

Sec. 35-634. - Cemeteries.

- (a) All applicants for permits, excluding burial permits, affecting cemeteries shall be referred to the city historic preservation officer for the purpose of determining whether or not the cemetery is historically, culturally, architecturally, or archaeologically exceptional or significant. If the cemetery is determined by the city historic preservation officer to be exceptional or significant, any proposed change, excluding burials, must be presented to the historic and design review commission for approval of planned work. If a court of competent jurisdiction has granted permission for cancellation or destruction of such cemetery, any plans for new construction must be approved thereafter by the historic and design review commission before construction commences. The historic and design review commission shall be governed in its recommendations by regulations set forth in Texas state law for cemeteries excluding burial permits.

- (b) Public and private development projects must comply with the Texas Health and Safety Code regarding the archaeological procedures for the impact to, or removal of, interred human remains (Texas Health and Safety Code, Title 13, Part 2, Chapter 22).



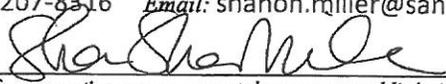
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature:  Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY -

To revise language to be more consistent with neighborhood-wide design guidelines.

FORMATTED PROPOSAL -

Sec. 35-672. – Neighborhood Wide Design Standards

(a) Pedestrian Circulation. Pedestrian access shall be provided among properties to integrate neighborhoods.

(1) Provide sidewalks that link with existing sidewalks on adjoining properties. If no sidewalk currently exists on an adjoining property, the applicant will have discretion in the placement of the sidewalk provided the following criteria are met:

A. Provide a sidewalk connection from one (1) side of the applicant's property to the other, parallel to the river bank or public right-of way, ~~on the street sides of the property in all river improvement overlay districts~~



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature: *Shanon Miller*
(Include title if representing a governmental agency or public/private organization)

Date: 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY -

To add provision for the design of elevators and accessible entries accessing the River Walk that are consistent with those in 35-672(a)(5) to prevent queuing on the River Walk pathway.

FORMATTED PROPOSAL -

Sec. 35-673. - Site Design Standards.

(p) Elevator and building access. In order to prevent queuing and inhibition of pedestrian flow on the Riverwalk pathway, a landing that is at minimum 6 feet in depth shall be provided between an elevator or building access point or doorway and the Riverwalk pathway. The width of the landing shall further comply with ADA requirements.



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature: _____

Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY -

To clarify intended prohibition of pole sign type. Signs mounted to poles are allowable. The prohibition is intended to restrict pole-mounted cabinet signs and pylon signs.

FORMATTED PROPOSAL -

Sec. 35-678. Signs and Billboards in the RIO.

(k) Prohibited Signs. The following signs are prohibited:

(8) ~~Pole Signs~~; Pole-mounted cabinet signs and pylon signs;



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature: _____

Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY -

To correct outdated definition.

FORMATTED PROPOSAL -

Sec. 35-A101. - Definitions and Rules of Interpretation.

Substantial rehabilitation. Certified improvements to a historic building in which the cost of the project is approximately equal to or greater than ~~fifty (50) percent~~ 30 percent of the appraised pre-rehabilitation improvement value of the property and which constitutes major work on enhancing existing mechanical or structural systems that preserve the historical integrity, while extending the life of the building.



UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature: 

Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal clarifies that the "D" district is permitted only within the "downtown business district," (which undefined term is simultaneously proposed to be newly defined in Appendix A by separate proposed UDC Amendment). In addition, archaic street names used to define the "D" district are being updated.

FORMATTED PROPOSAL –

Sec. 35-310.11. - "D" Downtown.

(a) Location Criteria.

The "D" downtown district shall be permitted only in the Downtown Business District, as defined in Appendix A ~~encompasses the city's central business district~~, which is the area originally settled and the locus of economic activity in the region. This shall include the area described as follows: Start at the intersection of Salado and El Paso Streets; north on Salado to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwalader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Cesar Chavez Boulevard Durango Boulevard; west on Cesar Chavez Boulevard Durango to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and then west on El Paso to Salado.



UDC Update Request Application

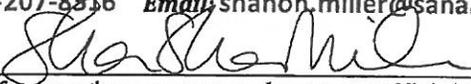
Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature: _____



Date: 5.1.15

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
 (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal substitutes "Historic Preservation Officer" for "Director of Planning" as the officer granting administrative approvals to reflect the current actual procedure.

FORMATTED PROPOSAL –

Sec. 35-452. - Certificate of Appropriateness for Administrative Approval.

(d) Decision. Applications for ordinary repair and maintenance may be approved by the City Manager or their designee ~~director of planning and development services upon recommendation from the historic preservation officer.~~



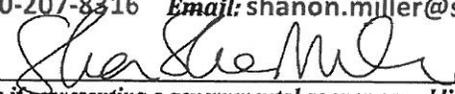
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director **Organization (if applicable):** Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 **Email:** shanon.miller@sanantonio.gov

Signature:  _____
(Include title if representing a governmental agency or public/private organization)

Date: 5.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal reorganizes a portion of the Historic Landmark Designation Section in order to clarify the procedures and to codify the process when a non-owner, non-city official initiates the process.

FORMATTED PROPOSAL –

Sec. 35-606. - Designation Process for Historic Landmarks.

(a) Authority.

~~Requests for landmark designation may only be made by or with the concurrence of the property owner. In instances where a property owner does not consent to the landmark designation, the historic preservation officer shall request a resolution from city council to proceed with the designation process prior to any zoning commission hearing. Notwithstanding the foregoing, a request for landmark designation may be made and approved by the city council. To the extent that this subsection conflicts with any other provisions of this chapter, this subsection paragraph shall control except for:~~

- (1) buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts,
- (2) National Register landmarks or districts,
- (3) state historic landmarks or sites, or
- (4) state archaeological landmarks or sites.

~~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. Additionally, requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated historic landmarks under this chapter and shall continue to bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation.~~

(b) Procedure. Designation of Historic Landmarks.

(1) Format. Requests for designation shall be made on forms obtained from the city through the office of historic preservation (OHP). Completed request forms shall be returned to the OHP for processing.

(2) Initiation.

(A) By Property Owner. A property owner may request consideration of their own property for designation as a historic landmark. Owners may submit a written description, photographs, or other visual material with their application, indicating any buildings or structures they wish to be excluded from the designation.

(B) By the City of San Antonio. The historic and design review commission (HDRC), the historic preservation officer (HPO), or the zoning commission may initiate a historic landmark

designation by filing an application with the OHP. The HPO which shall then request a city council resolution to proceed with the designation prior to any zoning commission hearing. However, the city council may pass such a resolution even in the absence of such a request.

(C) By Others. Third parties may submit a non-owner request for review which shall be forwarded to the HDRC along with a recommendation by the HPO for or against designation.

~~(1) Initiation. Any person, the historic and design review commission, zoning commission, the historic preservation officer, or the city council may initiate a historic landmark designation by filing an application with the historic preservation officer. Requests for designation shall be made on a form obtained from the city historic preservation officer. Completed request forms shall be returned to the office of historic preservation for processing. Owner consent for historic landmark designation shall be required unless a city council resolution to proceed with the designation has been approved. Additionally, owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they wish to be considered for designation as non-contributing to the historic landmark.~~

~~(3)-(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 an application for completeness.~~

(4) Referral. The HPO shall refer a completed application for historic landmark designation to the HDRC for recommendation or findings.

(5) Prior Notice. Property owners of proposed historic landmarks shall be notified per Section 35-403 by mail prior to an HDRC hearing for historic landmark designation. Notice to property owners shall state the place, date, time and purpose of the HDRC hearing. The HPO shall also send notice of the meeting to any registered neighborhood associations of which the property is a part.

(6) Recommendation to Zoning. The HDRC shall make and forward its recommendation and findings of historic significance to the zoning commission within forty-five (45) days from the date of referral of the designation request by the HPO.

(7) Non-consenting Owner. Where the owner of property nominated for designation does not consent to such nomination, a resolution of the city council shall be required before such nomination is forwarded to the zoning commission. No application made under subsection (b)(2)(C), above, shall be forwarded to the city council without a recommendation in favor of approval from the HDRC and the HPO.

(8) Hearings. The zoning commission and the city council shall process the application as prescribed in this section and section 35-421 of this chapter. The zoning commission shall schedule a hearing on the HDRC recommendation to be held within sixty (60) days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within sixty (60) days of council's receipt of such recommendation.

(9) Subsequent Notice. Upon passage of any ordinance designating a historic landmark, or removing

the designation of "historic", the City Clerk shall send notice per Section 35-403 of the fact by mail to the owner or owners of affected property.

~~(3) Decision. The historic preservation officer shall refer a completed application for historic landmark designation to the historic and design review commission. Property owners of proposed historic landmarks shall be notified of the historic and design review commission hearing by the historic preservation officer by mail prior to a historic and design review commission hearing for historic landmark designation. Notice to property owners shall state the place, date, time and purpose of the historic and design review commission hearing. The historic preservation officer shall also send notice of the meeting to any registered neighborhood associations located within the proposed district boundary. The historic and design review commission shall make and forward its recommendation to the zoning commission within forty-five (45) days from the date of submittal of the designation request by the historic preservation officer. Upon submittal of the historic and design review commission's recommendation, the proposed historic district or landmark designation shall be submitted to the zoning commission for its review recommendations along with its finding of historic significance. 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 recommendation to be held within sixty (60) days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within sixty (60) days of council's receipt of such recommendation. Upon passage of any ordinance designating a historic landmark, or removing or upgrading the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.~~

~~(9)(4)-Criteria. Designations of exceptional and significant historic landmarks shall be made considering criteria enumerated in section 35-607 of this division.~~

~~(10)(5)-Recordation. Upon designation of a building, object, site, structure, or cluster as an exceptional or significant historic landmark, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the house numbering section of the City of San Antonio's department of development services, and on the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect exceptional and significant historic landmarks or property in historic districts by inclusion of the words "historic, exceptional" (HE) or "historic, significant" (HS) as a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.~~



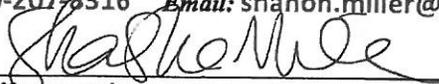
UDC Update Request Application

Part 1. Applicant Information

Name: Shanon Miller, Director Organization (if applicable): Office of Historic Preservation

Address: 1901 S. Alamo St., San Antonio, TX 78283

Phone: 210-207-8316 Email: shanon.miller@sanantonio.gov

Signature: 
(Include title if representing a governmental agency or public/private organization)

Date: 5.1.15

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

PROPOSAL SUMMARY –

This proposal rewrites this section to clarify that typically no demolition of Hugman Features, Heritage Trees, or Spanish Colonial Elements is permitted and to clarify a currently confusing process explanation.

Sec. 35-680. Demolition of Historic Features in the Riverwalk River Improvement Overlay Districts.

Demolition of architectural features, artwork, furniture, and other items shown on the Robert Hugman plans as well as other historic Riverwalk construction dating back to Spanish Colonial times and including works by the WPA, the CCC and the National Youth Administration constitutes an irreplaceable loss to the quality, character, ambiance and atmosphere of the San Antonio Riverwalk in the river improvement overlay districts. Accordingly, these procedures provide criteria to prevent unnecessary damage to the unique character of the city's Riverwalk areas and character.

- (a) Applicability. The provisions of this section apply to any application for demolition of important architectural features on or immediately adjacent to the river and or the Riverwalk in the river improvement overlay districts.

Items shown on the Robert Hugman Plans for the Riverwalk in "RIO-3."

~~No certificate shall be issued for demolition of any~~ Items shown on the Robert Hugman Plans for the Riverwalk in "RIO-3." must be preserved ~~This prohibition against demolition of Hugman features includes but is including~~ but not limited to staircases, walkways, furniture, bridges, tile and other artwork, light fixtures, handrail ornaments, boat landings, fountains, waterways, water features, retaining walls and the overall landscaping plan for placement of planting beds. ~~This prohibition shall also apply to,~~ and the earlier, hand-built river retention walls found in "RIO-3" as identified in the city records and commonly known as the Tobin walls and the Stucco walls. ~~However,~~ appropriate penetrations of these historic retention walls will be permitted subject to commission approval.

Heritage Trees. Removal or damage to heritage trees such as large Cypress trees and other, old significant trees at top of bank or along the Riverwalk is prohibited in all river improvement overlay districts. Except where the tree is damaged due to disease, age or physical condition and must be removed for the safety reasons. Then with a recommendation from the city arborist, or the official urban forester, the historic and design review commission may grant approval for demolition.

Other Items of Historic or Archaeological Interest. No certificate shall be issued for demolition of such historic and archaeological features dating from Spanish Colonial times including but not limited to acequias, dams, aqueducts, old mills, trailways, and other river related features or similar items.

- (b) Unusual and Compelling Circumstances for Demolition of the Above. The historic and design review commission may consider unusual and compelling circumstances in order to approve a certificate of appropriateness for the demolition or removal of the items listed in section 35-680. It shall be guided in its decision by balancing the contribution of the object, site or structure to the character of the river improvement overlay districts with the special merit of the proposed replacement project.

The historic and design review commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- A. The historic or architectural significance of the object, site, or structure;
 - B. The importance of the object, site, or structure to the integrity and character of the river improvement overlay district;
 - C. The difficulty or the impossibility of reproducing such an object, site, or structure because of its design, texture, material, detail, or unique location;
 - D. Whether the object, site, or structure is one (1) of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;
 - E. Whether reasonable measures can be taken to save the object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect.
- (c) Penalties. Penalties for demolition of architectural features, artwork, furniture and other items discussed in this section shall be the same as those listed in subsections 35-491(c)(3) and (c)(4).

