

City of San Antonio Unified Development Code

Article VI – Historic Preservation and Urban Design Division 2 – Historic Preservation

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 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. 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)

Designation of Historic Landmarks.

(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.

(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.

(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.

(4)

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

(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.

(c)

Resources Not Designated by Initial Ordinance.

(1)

Previously Inventoried Resources. Resources previously inventoried by the historic and design review commission but not rated due to age, shall be reviewed upon reaching twenty-five (25) years of age by the commission applying criteria set forth in [section 35-607](#) to determine significance, if any. When a resource is found to meet criteria for an exceptional or

significant rating, the historic and design review commission at that time shall recommend through the zoning commission to city council the designation of such resources following the procedures set forth in subsection (a) of this section. Resources listed on federal, state or city inventories, but unrated by the historic and design review commission shall be identified in city records.

(2)

Uninventoried Resources. As required under the Certified Local Government (CLG) Program of the National Park Service and the Texas Historical Commission, the office of historic preservation on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of [section 35-607](#). For such inventories, the office of historic preservation shall rate the resources based on integrity and/or significance. Those buildings, objects, sites or structures found by the board to meet the criteria for historic landmarks shall be recommended for designation following the procedures in subsection (a) of this section. The city, including the office of historic preservation, shall require an inventory of resources in the extraterritorial jurisdiction as part of the master development plan process and the subdivision letter of certification process within the area subject to the MDP or subdivision application unless the office of historic preservation determines, after an initial review, that such an inventory is not required.

(3)

Other Resources. If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the historic preservation officer, following an initial investigation of the resource, shall refer the matter to the historic and design review commission for a detailed study, review, and official recommendation of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this chapter.

(d)

Historic Landmarks Previously Designated by City Council. 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 exceptional historic landmarks under this chapter and shall continue to bear the word (historic) "H" in their zoning designation.

(e)

Other Landmarks and Districts Previously Designated. All National Register districts or landmarks, state historic landmarks or sites, or state archaeological landmarks and sites shall be accorded the protection of properties designated exceptional historic landmarks and districts.

(f)

Use of Property Designated Historic. Nothing contained in this article or in the designation of property as being a historic landmark or in a historic district shall affect the present legal use of property. Use classifications as to all such property shall continue to be governed by the general zoning ordinance of

the City of San Antonio and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation, or alteration of historic landmarks or of any buildings or structures in a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this article. No provision herein shall be construed as prohibiting a property owner from continuing to use property for a nonconforming use.

(g)

Removal of Designation. Upon recommendation of the historic and design review commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this section may be removed by city council following recommendation by the historic and design review commission.

(h)

Changes in Evaluation. The historic and design review commission may reconsider a previous evaluation of a resource if additional data is provided and a new evaluation is made using the criteria set forth herein. When such a resource meets the criteria for historic designation based on all documentation provided, the historic and design review commission may recommend a change in designation. Following the same procedures set forth herein in subsection (a) of this section for designation, the city council may change a designation upon recommendation of the historic and design review commission.

Available at: <http://www.sanantonio.gov/historic/code.aspx> under **The City of San Antonio's Unified Development Code** link.