

**THIS PROPOSED DRAFT WILL BE REPLACED BY THE FINAL,  
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL**

**ORDINANCE**

**AMENDING CHAPTER 12, “VACANT BUILDINGS AND DECONSTRUCTION” ARTICLE I, 12-1, AND 12-2 (a) OF THE CITY CODE TO EXPAND THE BOUNDARIES OF THE VACANT BUILDING PROGRAM TO REQUIRE PROPERTY OWNERS OF VACANT STRUCTURES WITHIN 1,000 FEET OF A PUBLIC OR PRIVATE SCHOOL OR STATE LICENSED CHILDCARE FACILITY TO REGISTER WITH THE CITY AND ESTABLISH PENALTIES FOR VIOLATIONS WITHIN THE EXPANSION AREA.**

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**WHEREAS**, in 2014, the City of San Antonio created the Vacant Building Program with the goal to address the root causes of building vacancy, increase public safety, and encourage economic development by spurring owners of vacant buildings to bring their dilapidated structures into productive use; and

**WHEREAS**, in response to a City Council Consideration Request submitted to develop a phased approach to expand the Vacant Building Program, the proposed amendment expands the Vacant Building Program area from 128 square miles to 178 square miles; and

**WHEREAS**, the proposed expansion, retain the current Vacant Building Program area and will add a buffer of 1,000 feet around a public or private elementary school, middle school, or high school, or a state licensed childcare facility; **NOW THEREFORE:**

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

**SECTION 1.** Chapter 12 Article I, 12-1 and 12-2 (a) of the City Code of San Antonio, Texas is amended by adding language that is underlined (added) and deleting the language that is stricken (deleted) to the existing text as set forth in this Ordinance. Chapter 12 Article I of the City Code of San Antonio, Texas is amended as follows:

**Chapter 12 VACANT BUILDINGS AND DECONSTRUCTION**

**ARTICLE I. VACANT STRUCTURES IN THE CENTRAL BUSINESS DISTRICT, HISTORIC DISTRICTS, VACANT DESIGNATED HISTORIC LANDMARKS, AND HALF-MILE PERIMETERS AROUND ACTIVE MILITARY BASES, AND WITHIN ONE THOUSAND FEET OF A PUBLIC OR PRIVATE SCHOOL OR STATE LICENSED CHILD-CARE FACILITY**

**Sec. 12-1. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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- (1) *Active military base* means a federal military reservation which serves to house and train U.S. military troops and which is located in full or in part within the meets and bounds of the San Antonio city limits.
- (2) *Central business district* is located as noted on maps which will be made available by the Director, and as previously defined in this Code as: Beginning at South San Marcos Street at its intersection with West Commerce Street, south to its intersection with Matamoros Street, east to its intersection with the Union Pacific Railway, south to South Alamo Street, north to its intersection with East Cesar Chavez Boulevard, east to South Cherry Street, north to its intersection with East Commerce Street, east to its intersection with North Mesquite Street, north to its intersection with Burleson Street, west to its intersection with Austin Street, north to its intersection with Casa Blanca Street, west to Newell Avenue, southwest to East Elmira Street, west to the intersection of West Elmira and the westbound service road of Interstate Highway 10, underneath Interstate Highway 10, then westbound from the intersection of the Interstate Highway 10 eastbound service road and Perez Street to its intersection with North Frio Street, south to its intersection with West Martin Street, west to its intersection with North San Marcos Street, south to its intersection with West Commerce Street.
- (3) *Child-Care Facility* means a facility licensed, certified, or registered by the Texas Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child under 18 years of age who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.
- (4 5) *City initiated tax increment reinvestment areas* (or *City initiated TIRZ*) means the districts created by city council consistent with Section III(B) and IV(D) of the city council adopted Tax Increment Financing Program Policy. These districts aim to revitalize areas through reinvestment initiatives and the implementation of existing city programs and city adopted plans.
- (5 6) *Defense base development authority* means a special district and political subdivision created under V.T.C.A., Local Government Code ch. 379(B).
- (6 9) *Department* means the Office of Historic Preservation for the City of San Antonio, Bexar County, Texas.
- (7 10) *Director* refers to the director of the Office of Historic Preservation for the City of San Antonio, Bexar County, Texas, and his/her designees.
- (8 7) *Half-mile perimeter* means a radius distance of one-half (1/2) mile extending from the perimeter of an area into the surrounding neighborhoods which are within the city limits.

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- (~~9~~ 3) *Historic district* means an area designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.
- a. *Historic landmark* means an individual structure or property which has been designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.
- (~~10~~ 4) *Neighborhood conservation district* means an area designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.
- (~~11~~ 8) *Owner* means any person, agent, firm, partnership or corporation having a legal interest in the property.
- (~~12~~) *Private school* means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade 12 and is not operated by a governmental entity.
- (~~13~~) *Public school* means a school that offers instruction for students in one or more grades from prekindergarten through grade 12 that is operated by a governmental entity or funded by a governmental source.
- (~~14~~ ~~11~~) *Secured* means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked so as to prevent unauthorized entry by vagrants and criminals.
- a. *Temporarily secured* means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with plywood which has been nailed or bolted in place so as to prevent unauthorized entry by vagrants and criminals.
- (~~15~~ ~~12~~) *Structure* means that which is built or constructed.
- (~~16~~ ~~13~~) *Vacant structure* means that all lawful activity has ceased, or reasonably appears to have ceased for thirty (30) days.
- a. *Lawful activity* is that the current use of the structure is also that which the structure was built for or intended to be used for.

**Sec. 12-2. Applicability and administration.**

- (a) This article shall apply to all vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are located within the boundary of or within a one-half-mile perimeter of the Central Business District, all historic districts, neighborhood conservation districts, ~~and~~ city initiated TIRZ-As, as well as all vacant historic landmarks and vacant structures within a one-half-mile perimeter of all active military bases and defense base authorities, ~~and~~ all vacant structures located within one thousand (1,000) feet of a public or private school or a child-care facility that is open and in operation.

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**SECTION 2.** All other provisions of Chapter 12 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by the Ordinance.

**SECTION 3.** Violations occurring after January 1, 2024 within 1,000 feet of a public or private elementary school, middle school, or high school, or a state licensed childcare facility shall be punished as provided in the revised City Code Chapter 12 Article 1. All other provisions of Chapter 12 Article I of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by the 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 City Clerk is directed to promptly publish public notice of this Ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

**SECTION 6.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted in this ordinance and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

**SECTION 7.** Registration fees required and penalties provided for in this revised Chapter 12 Article I shall be effective January 1, 2024 after publication by the City Clerk.

**SECTION 8.** This Ordinance shall become effective January 1, 2024; but in no manner earlier than the fifth day after publication in accordance with Article 2, Section 17, of the City Charter.

**PASSED AND APPROVED** this 21<sup>st</sup> day of September, 2023.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney