

ORDINANCE

DESIGNATING THE HISTORIC DESIGN AND REVIEW COMMISSION AS THE COMMISSION WITH EXCLUSIVE AUTHORITY TO MAKE RECOMMENDATIONS TO CITY COUNCIL TO DESIGNATE PROPERTIES AS LOCAL HISTORIC LANDMARKS AND INCLUDE PROPERTIES IN LOCAL HISTORIC DISTRICTS IN ACCORDANCE WITH LOCAL GOVERNMENT CODE SECTION 211.0165.

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WHEREAS, on September 1, 2021, Local Government Code Section 211.0165 was amended to provide that, except for a property owned by an organization that qualifies as a religious organization under Section 11.20, Tax Code, a municipality that has established a process for designating places or areas of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries may not designate a property as a local historic landmark or include a property within the boundaries of a local historic district unless the owner of the property consents to the designation or inclusion or if the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of the governing body of the municipality; and the zoning, planning, or historical commission of the municipality, if any; and

WHEREAS, Local Government Code Section 211.0165 as amended further provides that, a municipality shall designate one of those commissions as the entity with exclusive authority to approve the designations of properties as local historic landmarks and the inclusion of properties in a local historic district if the owner does not consent to the designation or inclusion of the owner's property; **NOW THEREFORE:**

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

SECTION 1. City Council hereby designates the Historic Design and Review Commission as the City commission with exclusive authority to approve the designations of properties in accordance with Local Government Code Section 211.0165.

SECTION 2. City staff is directed to bring forward amendments to Chapter 35 of the City Code to incorporate this ordinance and related process improvements in the City's Unified Development Code.

SECTION 3. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY CITY COUNCIL**

***PASSED AND APPROVED** this 21st day of October, 2021.*

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney