

likely to produce data affecting theories of historic or prehistoric interest.

7. Is the site of a significant historic event.
8. Is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or an American Civil Engineering Landmark or is listed on the National Register of Historic Places.

b. Integrity

1. A property's ability to convey its significance, taking into consideration the following seven factors: location, design, setting, material, workmanship, feeling, and association, as set forth in National Register of Historic Places' Seven Aspects of Integrity.

(3) Eligibility for Designation

a. Eligibility for HSE Designation. An individual property may be designated HSE if it meets the following qualifications:

1. Three or more of the criteria for significance;
2. The necessary criteria for assessing integrity; and
3. Threatened by deterioration, damage or irretrievable, irreplaceable loss due to neglect, disuse, disrepair, instability, lack of financial resources, development pressures, or demolition.

b. Eligibility for HC and HC District Designations

1. Individual Property. An individual property may be designated as HC if it meets the following qualifications:

- i. Two or more of the criteria for significance; and
- ii. The necessary criteria for assessing integrity.

2. District

- i. An area, which includes two or more properties that possesses a significant concentration, linkage, or continuity of buildings, sites, structures, or objects united historically or aesthetically by plan or physical development, may be designated as a HC District if it meets the following qualifications:

- A. Three or more of the criteria for significance; and
- B. The necessary criteria for assessing integrity; and
- C. Where a proposed HC District is composed of a single geographic area of contiguous properties, then at least fifty-one percent (51%) or more of the historic properties in the district must be contributing; or
- D. Where a proposed HC District is composed of two or more definable significant areas separated by nonsignificant areas, then the historic properties must be spatially discrete.

- ii. An existing HC District may be amended or otherwise altered to include additional properties or settings provided that such properties and settings (1) meet the criteria for HC District

designation and (2) have a similar historic context and character that reasonably relates to the existing HC District, either by architectural, historical, or cultural motif.

- c. Eligibility for DD Designation. A property may be designated DD if it meets the following qualifications:
 - 1. One or more of the criteria for significance; and
 - 2. The necessary criteria for assessing integrity.

(4) Criteria and Special Considerations for Removal or Change of Historic Designation

a. Criteria

- 1. Subject to any special considerations, the HSE, HC, HC District (either in whole or in part), or DD designation may be removed for the following reasons:
 - i. The individual property or HC district, either in whole or in part, no longer conforms to the criteria for significance and integrity under this Historic Preservation Ordinance; or
 - ii. Such designation creates an unreasonable economic hardship in accordance with the provisions of this Historic Preservation Ordinance.
- 2. The DD designation may be removed if it no longer conforms to the criteria for significance and integrity or changed to HC or HSE if it satisfies the applicable criteria for significance and integrity. The DD designation must be removed if the property is demolished in accordance with this Historic Preservation Ordinance.
- 3. Any historic property designated as HC may be changed to HSE if the property meets the designation criteria for HSE, even if the property is part of a HC District.

- b. Burden of Proof. The party seeking removal of a designation has the burden of proving, by a preponderance of the evidence, that the subject property no longer satisfies the criteria for designation.

c. Special Considerations

- 1. HC District Designation Removal. The HC District designation may be removed only from a district as a whole and not from individual sites or structures located within a HC District, except when the boundary of an existing HC District has been reduced in accordance with this Historic Preservation Ordinance and then, removal of such designation will only apply to those properties that have been excluded from the reduced boundary.
- 2. HSE Designation Removal. The party seeking removal of a HSE designation on the basis that such property is no longer endangered must simultaneously nominate such property for designation as HC. The requests for removal of the HSE designation and designation of such property as HC must be considered and decided concurrently; provided, however, the City Council is not required to designate such

- historic property as HC upon removal of a HSE designation.
3. DD Change to HC District. If a historic property designated as DD is subsequently nominated as, or becomes, part of a HC District, then such property will be subject to all applicable interim controls and elevated to HC District designation upon approval by the City Council.
 4. HSE in HC District. Any historic property designated as HSE will retain such HSE designation if it is subsequently nominated as, or becomes, part of a HC District, except as otherwise set forth in this Historic Preservation Ordinance. Any historic property designated as HSE within a HC District must comply with the standards and guidelines applicable to the HC District within which it is located.

(5) Procedures for Designation and Designation Removal

a. Step 1: Nomination for Designation and Designation Removal

1. City Council

- i. The City Council may nominate an individual property or HC District for historic designation or designation removal by adopting a resolution to nominate such and directing the HPO to submit the same to the HCLC for consideration. Nominations by the City Council will not require the submission of an application for designation; however, the HCLC may not consider a nomination until such time as the HPO acquires the information necessary to report on the eligibility and criteria applicable to the nomination.
 - ii. The nomination of an individual property or HC District for historic designation or designation removal by the City Council will be deemed to have been nominated on the effective date of the adopted resolution.
2. HCLC. The HCLC may initiate the nomination process for historic designation or designation removal of an individual property or HC District by adopting a resolution directing the HPO to submit a complete application for designation or designation removal to the HCLC for consideration. The HCLC may not consider such application until its next regularly or special-called meeting.
 3. City Manager. The Fort Worth City Manager or that person's authorized designee may initiate the nomination process for historic designation or designation removal of an individual property or HC District by directing the HPO to prepare and submit a complete application for designation to the HCLC for consideration.
 4. Property Owners. Property owner(s) of an individual property or a property within a proposed HC District may initiate the nomination process for historic designation or designation removal by submitting a completed and signed application to the HPO.
 5. Application. The application for historic designation and designation removal will be promulgated by the HPO; provided; however, that the

application must, at a minimum, require a detailed summary explaining how the subject property or HC District meets the criteria necessary for historic designation or designation removal, as applicable.

i. HC District. In addition to the application requirements set forth above, an application for HC District designation, including any related historic district expansion, or designation removal, including any district reduction, must contain the following:

A. A windshield survey that consists of a completed survey form and photograph of every property, their settings, streetscapes, and unique characteristics of the HC District.

B. Draft standards and guidelines or a copy of the Secretary of the Interior's Standards for the Treatment of Historic Properties for a proposed HC District. HC District design standards and guidelines must, at a minimum, meet the requirements of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

C. A list of contributing and non-contributing resources for the HC District.

D. Research that establishes the significance of the property in the proposed HC District, which includes a statement of significance.

E. Signatures of property owners in support of the application who collectively own:

(i) Fifty percent or more of the land and the individual tracts, parcels, or platted lots located within the following boundaries:

(A) For HC District designation removal, the existing HC District;

(B) For HC District designation, the proposed HC District; or

(C) For HC District expansion, both the proposed expanded HC District and existing HC District.

(ii) Two or more platted lots developed together will be counted as one lot.

(iii) Each vacant platted lot of sufficient size to be developed under the current zoning designation for the property will be counted as one lot.

6. Effective Date of Nomination. An individual property or HC District for which an application for historic designation or designation removal has been submitted by the HCLC, City Manager, or property

Sec. 33-222. - Application for designation of a landmark, archaeological site or protected landmark.

- (a) Application for designation of a landmark or an archaeological site shall be initiated by either:
 - (1) The owner of the property for which the application is made or the owner's authorized representative; or
 - (2) The HAHC upon instructing the director to prepare an application for designation. Within ten working days following the action of the HAHC initiating an application, the director shall mail notice to the owner of the property or the owner's agent, as shown on the most recent city tax roll, that the HAHC has initiated an application.
- (b) Application for designation of a protected landmark shall be initiated by the owner of the property proposed for designation.
- (c) The application for designation of a landmark, protected landmark, or archaeological site shall be filed with the department in the form prescribed by the director. The application shall include a description and photographs of the property or properties and shall address each of the applicable criteria for designation contained in section 33-224 of this Code. The application for designation of a protected landmark shall include an instrument suitable for recording in the real property records, in a form approved by the city attorney, signed by the owner indicating that the 90-day waiver provision of section 33-250 of this Code shall not apply to the protected landmark and that the property is subject to the demolition by neglect provisions of section 33-254 of this Code.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 05-969, §§ 7, 8, 8-17-05; Ord. No. 07-463, § 3, 4-11-07; Ord. No. 2010-814, §§ 5, 12, 10-13-2010; Ord. No. 2015-967, § 12, 10-7-2015)

Sec. 33-222.1 - Application for designation of an historic district.

- (a) Application for designation of an historic district shall be initiated by either:
 - (1) Ten percent of the owners of tracts in the proposed district; or
 - (2) The HAHC upon instructing the director to prepare an application for designation.
- (b) The application for designation of an historic district shall be filed with the department in the form prescribed by the director, and shall be subject to the following rules:
 - (1) The application shall include:
 - a. A map indicating the boundaries of the proposed historic district;
 - b. A description and a photograph of each of the properties in the proposed district;
 - c. A written statement outlining the historical, cultural, or architectural significance of the proposed district which shall address each of the applicable criteria for designation contained in section 33-224 of this Code;
 - (2) The application shall identify with respect to each building, structure, object or site within the proposed historic district whether it is proposed for designation as a contributing structure or a noncontributing structure;
 - (3) The boundaries of the proposed district must comprise a continuous land mass without out tracts inside of it;
 - (4) Tracts of publicly owned land, utility easements, and streets shall not be counted towards determining support for or against the designation of an historic district, but may be included

within the historic district; and

- (5) If a tract of land is owned by more than one person, only the signature of one owner is required to indicate support for initiating an application in accordance with this section.
- (c) The director shall review each application for initial completeness. Upon determining that the application includes the items required by subsection (b) of this section, the director shall determine that the application is initially complete, and the director shall schedule and conduct at least one public meeting on the application for the historic district. The director shall give notice of the public meeting in accordance with subsection (d) of this section, including procedures for giving notice of any additional public meeting.

The director shall establish rules for the conduct of public meetings, and shall endeavor to conduct the meeting within or near the proposed historic district, subject to the availability of appropriate space for public assembly. The director will present information on the proposed application and the process for approval at the public meeting.

- (d) The director will establish the process for notice and for determining the evidence of support of the application, which shall include the following:
 - (1) Within 30 days after determining the application is initially complete, the director shall mail a notice to the owners of each property within the proposed historic district as indicated on the most current appraisal district records. The director shall endeavor to give notice to a civic association registered with the city whose area is included, in whole or in part, in the proposed district.
 - (2) The notice shall include the following:
 - a. The date, time, and location of the public meeting described in subsection (c) of this section;
 - b. Any other information the director determines may be useful to the property owners.
- (e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a response form to be returned by the property owner which shall indicate whether the property owner does or does not support designation of the historic district. The response form must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice
- (f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director shall determine if owners of 67 percent of all the tracts in the proposed district support the designation of the district in accordance with the following rules:
 - (1) If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned response forms in accordance with this section; and
 - (2) Tracts of publicly owned land, utility easements, and streets that are included within the boundaries of the proposed district shall not be counted toward determining support for or against the designation of an historic district.
- (g) If the director is able to make the determination required by subsection (f) of this section, the application will be considered final and the boundaries of the proposed district shall be the boundaries of the proposed historic district. If the director is not able to make this determination, then the director shall either:
 - (1) Modify the boundaries of the proposed historic district if the modification will result in boundaries of one or more historic districts containing one or more non-contiguous areas where the response forms for owners of 67 percent of the tracts support designation of the proposed historic district. If

the director modifies the boundaries, the application shall be considered final, the boundaries of the reduced proposed district shall be the boundaries of the proposed historic districts, and any property excluded from the proposed district shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the proposed district pursuant to this item; or

- (2) Determine that the application fails and that no further action will be taken by the HAHC. If an application fails pursuant to this section, the director shall mail notice to the owners of all property within the proposed historic district that the application has failed and that no further action will be taken. Any property within the proposed district is ineligible for inclusion within a historic district for a period of one year from the date of the determination pursuant to this section.
- (h) If the director determines that an application is final, the director shall give notice to all property owners within the proposed district of a hearing before the HAHC in accordance with the provisions of section 33-226 of this Code. The notice shall include the boundaries of one or more proposed historic districts.
- (i) The director may conduct a public workshop for the HAHC on any application for designation of a historic district in which the director reviews the application, the results of response forms received by the department, the boundaries of the proposed districts as modified in accordance with subsection (g) of this section, and any other information the director determines is relevant to the application.
- (j) The HAHC will conduct a public hearing on each final application for designation of a historic district. Following the public hearing, the HAHC may:
 - (1) Approve the proposed boundaries and forward them to city council for approval;
 - (2) Amend the boundaries in accordance with the provisions of this article, in which case the HAHC may defer the application and continue the public hearing to a later meeting; or
 - (3) Disapprove the application, after which no further action shall be taken.

(Ord. No. 2010-814, § 13, 10-13-2010; Ord. No. 2015-967, § 13, 10-7-2015)

Sec. 33-223. - Property pending designation.

- (a) Upon initiation of an application for designation of a landmark, archaeological site or historic district that satisfies the minimum age criteria of section 33-224(b) of this Code, the building, structure, object or site proposed for designation as a landmark or archaeological site and any building, structure, object or site located in an area proposed for designation as an historic district shall be subject to the requirements of division 4 of this article as though the building, structure, object, site or area had been designated by the city council. If the HAHC denies an application for certificate of non-designation for any property pursuant to section 33-228 of this Code, the property shall also be subject to the provisions of this section.
- (b) The protected status provided in subsection (a) above ends on the earliest of the following dates:
 - (1) The day after an action of the city council or the HAHC rejecting an application for designation;
 - (2) In the case of an application for designation of a landmark or archaeological site, the day after the withdrawal of the application by the property owner;
 - (3) In the case of an application for designation of an historic district, the 181st day after the director determines the application is initially complete, or:
 - a. If the HAHC defers the application once in accordance with section 33-222.1(j)(2), the 211th

day after the director determines the application is initially complete;

- b. If the HAHC defers the application two or more times in accordance with section 33-222.1(j)(2), the 241st day after the director determines the application is initially complete;
 - c. If the city council defers the application or remands the application back to HAHC for reconsideration, 60 days will be added to the number of days of the protected status provided for by this subsection.
- (4) In the case of an application for designation of an historic district, the day after the director determines that the application fails; or
 - (5) In the case of the denial of a certificate of non-designation by the HAHC, the 181st day after the decision of the HAHC.

For purposes of this article, an application for designation is initiated immediately upon the occurrence of either the filing of an application for designation by the requisite owners pursuant to section 33-222 or section 33-222.1 of this Code or, in the case of an application initiated by the HAHC, the date a majority of the HAHC votes to authorize the preparation of an application.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 07-463, § 4, 4-11-07; Ord. No. 2010-814, § 14, 10-13-2010; Ord. No. 2015-967, § 14, 10-7-2015)

Sec. 33-224. - Criteria for designations.

- (a) The HAHC, in making recommendations with respect to designation, and the city council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:
 - (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
 - (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;
 - (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
 - (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;
 - (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
 - (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state or nation;
 - (7) Whether specific evidence exists that unique archaeological resources are present; and
 - (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.
- (b) Notwithstanding the foregoing, no building, structure, object or site less than 50 years old shall be

designated as a landmark, protected landmark, or archaeological site, and no area in which the majority of buildings, structures or objects is less than 50 years old shall be designated as an historic district, unless it is found that the building, structure, object, site or area is of extraordinary importance to the city, state or nation for reasons not based on age.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 05-969, § 9, 8-17-05; Ord. No. 2010-814, § 15, 10-13-2010)

Sec. 33-225. - Procedures for designation of landmark, historic district and archaeological site.

- (a) The HAHC shall review each final application for designation of a landmark, historic district, and archaeological site and shall conduct a public hearing on each application. The director shall make a record of the public hearing. The HAHC shall consider the application and evidence presented at the public hearing. After due consideration, the HAHC shall determine whether to recommend the designation, provided, however, that if the HAHC does not act with respect to an application for designation within 60 days of the public hearing before the HAHC on the designation, the HAHC shall be deemed to have recommended the designation. The recommendation of the HAHC, which shall include the basis for the recommendation, shall be in writing. If the HAHC recommends against designation upon consideration of the application, the application shall be disapproved and no recommendation shall be submitted to the city council.
- (b) The director shall submit the recommendation of the HAHC for designation and the application to the city council.
- (c) The city council shall consider an application for designation after receiving a recommendation from the HAHC and shall decide whether to designate the property or historic district.
- (d) The city secretary shall maintain a copy of a map identifying each landmark, protected landmark, and historic district designated by the city council, and additional copies shall be maintained by the director and the building official. The director shall file for recordation in the real property records of the county or counties in which the designated property is located each action of the city council designating a landmark, protected landmark, and historic district. The city secretary shall maintain a copy of a map identifying each archaeological site designated by city council which shall not be made available to the public.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 05-969, § 10, 8-17-05; Ord. No. 06-783, § 3, 7-26-06; Ord. No. 2010-814, §§ 5, 16, 10-13-2010; Ord. No. 2015-967, §§ 15, 16, 10-7-2015)

Sec. 33-226. - Notice requirements for public hearings.

- (a) The director shall give notice of a public hearing before the HAHC on the designation of a landmark or archaeological site initiated by the HAHC not less than 30 days before the date of the public hearing to the owner of the property at the name and address as shown on the most current appraisal district records. If the notice address for the owner as shown on the most current appraisal district records does not coincide with the street address of the property, then the director shall also send a notice addressed occupant to the street address for the proposed landmark or archaeological site. The director shall also publish notice of the public hearing in a newspaper of general circulation in the city not less than 30 days before the date of the public hearing.
- (b) The director shall provide notice of a public hearing on the designation of a landmark or archaeological

site by letter, first class mail, postage paid, by facsimile transmission or by electronic mail no later than the fifth day before the date of the public hearing to the owner of the landmark or archaeological site.

- (c) The director shall give notice of a public hearing before the HAHC on the designation of an historic district not less than 30 days before the date of the public hearing on designation as follows:
- (1) Notice shall be given by mail to each property owner within the proposed historic district, as shown on the most current appraisal district records.
 - (2) Notice shall be published in a newspaper of general circulation in the city; and
 - (3) Notice shall be posted by sign in at least four locations within the district selected by the director at locations reasonably calculated to be seen easily by residents of the district and where each sign will be visible from at least one street. In addition, where, in the opinion of the director, because of the size, configuration, traffic patterns or other characteristics of the proposed historic district, additional signs would be beneficial in providing notice, the director shall cause an appropriate number of additional signs to be posted. The signs shall conform to specifications prescribed by the director.
- (d) Written notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the fact that notice was mailed constitutes prima facie evidence that notice has been given as required by this section.
- (e) Additional notice need not be given if the public hearing is adjourned or continued to another date, provided that the date, time and place to which the public hearing is adjourned or continued are specified in the public hearing.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 06-783, § 4, 7-26-06; Ord. No. 07-463, §§ 5—7, 4-11-07; Ord. No. 2010-814, §§ 5, 16, 10-13-2010; Ord. No. 2015-967, § 17, 10-7-2015)

Sec. 33-227. - Amendment; changes in boundary.

- (a) Amendment of any designation of any landmark, protected landmark, or archaeological site shall require action by the city council and shall follow the procedures for application, notice, public hearing and recommendation by HAHC used for the designation of the landmark, protected landmark, or archaeological site.
- (b) Enlargement of the boundaries of a historic district shall require action by the city council and shall follow the procedures for application, notice, public hearing and recommendation by HAHC used for the designation of a historic district with respect to the property to be added to the district and not the property within the existing district except that the requirements of section 33-224 of this Code shall be applied to the entire district as modified by the enlargement of the boundaries.
- (c) Amendment of any classification of a building, structure, object, or site within a historic district may be initiated by the director only upon finding that a building, structure, object, or site is incorrectly classified as contributing or non-contributing or that the existence of unusual or compelling circumstances, such as the presence of significant and irreversible changes not caused by the owner of the building, structure, or object, justifies the changing of the classification of the building, structure, object, or site. The director shall not recommend the change in classification of a building, structure, object, or site that has deteriorated due to any action or negligence of the owner. The director shall present the findings at a

regularly scheduled meeting of the HAHC after giving notice to the property owner of the proposed change not later than 15 days before the meeting, The HAHC shall either disapprove the director's recommended change, or approve the change and refer the change to city council for approval.

- (d) Nothing herein shall be construed to require the city council to follow all of the procedures used in the designation if the amendment is solely for the purpose of correcting minor technical errors, including, but not limited to, errors in property descriptions, that are necessary to implement the intent of the city council with respect to the designation.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 05-969, § 11, 8-17-05; Ord. No. 2010-814, § 16, 10-13-2010; Ord. No. 2015-967, § 18, 10-7-2015)

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

(a) **Authority.** The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as historic landmarks. Such districts shall bear the word "historic" (H) in their zoning designation; such landmarks shall bear the words "historic, landmark" (HL) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in article IV of this chapter for a zoning amendment, and shall conform to the federal and state constitution.

(b) **Processing Applications for Designation of Historic Districts.**

(1) **Initiation.** Any person owning property within the proposed area, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Properly submitted applications shall remain valid for one (1) year from the date it is deemed complete and thereafter shall be expired. Requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed applications shall be returned to the office of historic preservation for review and processing as applicable. To the extent that this paragraph 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.

In addition to any other conditions established by section 35-605, applications for historic designation shall meet the following criteria:

- A. **Informational Meeting and Notice.** Provided that the historic preservation officer agrees that the proposed area indicated in the application is appropriate for designation, the office of historic preservation staff shall hold at least one (1) public meeting to provide information to property owners in the proposed designation area regarding the application and historic designation process. Prior to the required public meeting, the historic preservation officer shall send notice by mail of the receipt of an application for a proposed designation to the owner or owners of property within the proposed historic boundary as well as stating the purpose, date, time and place of the public meeting. This notice shall be in addition to notice given prior to public hearing as set forth under the city's zoning code. The historic preservation officer shall also send notice of the public meeting to any registered neighborhood associations located within the proposed district boundary.
- B. Owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they would like for the historic preservation officer to consider for designation as non-contributing to the historic district. Such submission shall be treated in accordance with section 35-619.
- (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 applications and submitted written support for completeness.
- (3) **Decision.** Following an informational meeting and notice of the receipt of an application for a proposed designation, the historic preservation officer shall provide a mailed ballot to the owner or owners of property within the proposed historic boundary. When the historic preservation officer has received verifiable written support from the owners of at least fifty-one (51) percent of the properties within the proposed historic district boundary, the historic preservation officer shall forward the application to the historic and design review commission for a public hearing and recommendation. The historic preservation officer shall not accept written support for an expired application, however, previous support that is verifiable may be resubmitted to support a new application. Property ownership shall be verified utilizing the last certified tax rolls of the appropriate county tax assessor collector for the proposed area. For purposes of calculating the support of

fifty-one (51) percent of the property owners, each property as listed on the tax rolls shall be counted individually, regardless of whether an individual or group owns multiple properties within the proposed area. Properties owned by governmental entities shall not be counted in the fifty-one (51) percent support requirement, although their written preference may be submitted to any board, commission or to city council for their consideration. Additionally, for properties owned by more than one (1) party, only one (1) property owner need submit written support in order for the historic preservation officer to count the property in the calculation. The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing at least thirty (30) days prior to the historic and design review commission hearing on the historic district designation. The historic and design review commission shall make its recommendation for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be submitted to the zoning commission with the historic and design review commission recommendation. 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's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating an area as historic, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

- (c) **Historic District Guidelines.** The city council may, from time to time, designate specific guidelines for particular historic districts. The designation shall include the formal name of the district, a legal description of the boundaries of the district, and a cross-reference to the design guidelines.

(Ord. No. 98697 § 1, 4, 6 and 7; Ord. No. 2007-04-12-0409, §§ 1, 2, 4-12-07) (Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10) (Ord. No. 2011-03-31-0240, § 2, 3-31-11) (Ord. No. 2012-12-06-0932, § 1, 12-6-12)(Ord. No. 2015-10-29-0922, § 2, 10-29-15)(Ord. No. 2015-12-17-1077, § 2, 12-17-15)

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.

(Ord. No. 98697 § 1, 4 and 6) (Ord. No 2006-06-15-0718, § 2, 6-15-06) (Ord. No. 2009-01-15-0001, § 2, 1-15-09) (Ord. No. 2010-06-24-0616, § 2, 6-24-10)

Sec. 35-607. - Designation Criteria for Historic Districts and Landmarks.

- (a) **Process for Considering Designation of Historic Districts and Landmarks.** Historic districts and landmarks shall be

evaluated for designation using the criteria listed in subsection (b) and the criteria applied to evaluate properties for inclusion in the National Register. In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the criteria listed. Historic districts shall consist of at least two (2) or more structures within a legally defined boundary that meet at least three (3) of the criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.

(b) **Criteria For Evaluation.**

1. Its value as a visible or archeological reminder of the cultural heritage of the community, or national event;
2. Its location as a site of a significant local, county, state, or national event;
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
4. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
6. Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
7. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
8. Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
9. Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development;
10. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development;
11. It is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of San Antonio, Texas or the United States;
12. It is an important example of a particular architectural type or specimen;
13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;
14. It possesses significant archeological value that has produced or is likely to produce data affecting theories of historic or prehistoric interest;
15. It represents a resource, whether natural or man-made, which greatly contributes to the character or image of a defined neighborhood or community area; or
16. It is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

Properties eligible for designation include those listed below:

1. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
2. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by internationally known architects or master builders and important works by minor ones;
3. Properties that are part of a cluster which provide a specific representation of an architectural or historic

era or event;

4. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
5. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
6. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period;
7. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines;
8. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
9. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
10. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location; or
11. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, including special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10)