

**ORDINANCE NO. 2222**

**AN ORDINANCE AMENDING CHAPTER 5, BUILDING AND BUILDING REGULATIONS, ARTICLE IX – DEMOLITION, OF THE CODE OF ORDINANCES, TO AMEND DEMOLITION REVIEW PROCESS TO REQUIRE CONCURRENT REVIEW OF PROPOSED REPLACEMENT STRUCTURE; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alamo Heights is a Home Rule Municipality located in Bexar County, Texas, established in accordance with provisions of its Charter, the Texas Constitution and statutes, including the Texas Local Government Code; and

**WHEREAS**, a public hearing before the City Council was held prior to passage of the amendments described herein as required and that public notice of the time, place, and purpose of said hearing was given as required by the Open Meetings Act; and

**WHEREAS**, the City Council has determined that the amendments described herein are necessary and appropriate to provide greater transparency and information to the Architectural Review Board, City Council, and the general public in considering the significance of existing structures proposed for demolition; and

**WHEREAS**, the City Council has determined that the demolition review process is intended to complete both the determination of significance of existing structures proposed for demolition and the compatibility review of any replacement structures within the same process; and

**WHEREAS**, the City Council has determined that the significance and compatibility process may not be completed in separate processes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THAT:**

**SECTION 1. Findings.** The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2. Amendments.** Section 5-134. – *Demolition review procedures* shall hereinafter be amended at subsection 5-134(b), (e), (f), (g), (l), (o), and (p) to add the underlined text and delete the strike through text to read as follows:

**Sec. 5-134. – Demolition review procedures.**

- (a) The goal of the demolition review process is to allow public review and comment regarding the impact that the proposed demolition, and any replacement structures, may have on the surrounding neighborhood and the city.

- (b) The demolition review process is intended to complete both the determination of significance of existing structures proposed for demolition and the compatibility review of any replacement structures proposed for demolition and the compatibility review of any replacement structures within the same process. ~~However, the~~ The significance and compatibility process may not be completed in separate processes ~~if requested in writing by the property owner.~~
- (c) Proposed demolitions in which the scope of work meets the regulations as defined in section 5-13 definition for demolition, or when the scope of work involves any structure or project not specifically exempted below shall meet the permit regulations for demolition review as listed in this article as well as requirements listed in article IV of this chapter.

Exceptions from the demolition review process regarding significance of an existing structure to allow for administrative review:

- 1) Existing structures not supported by a permanent foundation,
- 2) Existing structures which have an exterior grade footprint of two hundred (200) square feet or less,
- 3) Existing one-and two-story detached accessory structures,
- 4) Replacement or alteration of existing exterior finish materials on roofs or walls with new exterior finish materials which match the existing in color and design,
- 5) Replacement or alteration of roof decking and finish materials only,
- 6) Exterior alterations that do not substantially alter, modify, cover, or encapsulate existing framing components, and
- 7) Ordinary repair and maintenance as referenced in section 5-13 definition for demolition.

Exceptions from the demolition review process regarding compatibility of any proposed structures to allow for administrative review:

- 1) New structures for projects not governed previously under demolition ordinances,
  - 2) Replacement or alteration or existing exterior finish materials on roofs or walls with new exterior finish materials which match the existing in color and design,
  - 3) Replacement or alteration of roof decking and finish materials only,
  - 4) Exterior alterations that do not substantially alter, modify, cover, or encapsulate existing framing components, and
  - 5) Minor repair and routine maintenance as referenced in section 5-13 definition for demolition,
  - 6) One-story replacement accessory structures.
- (d) The following proposed structure(s) or project(s) shall be governed by demolition review regarding compatibility regardless of whether any significance determination was reviewed:
- 1) Two-story detached accessory structures intended to replace previously permitted demolitions of exempt accessory structures.
- (e) Plans for demolition review submitted under this article shall be submitted ~~along~~ with the demolition review application and all compatibility review materials for the replacement structure to the director's office for review and must contain all of the information required in the city's application forms to be considered complete.

- (f) ~~(f) If no plans are submitted for a replacement structure at the time of the request for demolition review the director shall forward any future development plans for replacement structures to the architectural review board for review of the replacement structure's compatibility, as defined in this chapter before issuing a building permit.~~
- (g) ~~(g)~~(f) When all demolition and compatibility review application packets have been submitted, along with a non-refundable application fee, the city shall place the proposed project request on the agenda for the next available architectural review board meeting.
- 1) The city shall post on the property, and one the city's website, a public notice announcing the application submittal and all postings shall be for a minimum of fifteen (15) days from the date of the scheduled architectural review board meeting.
  - 2) The director shall send, by United States mail, a notice of the request for a demolition permit to all persons who are the owners of real property lying within two hundred (200) feet of the proposed demolition not less than fifteen (15) days before the date set for the public hearing(s) of the architectural review.
- (h) ~~(h)~~(g) The architectural review board shall consider the following criteria when determining the significance, as defined in this chapter, of existing structures:
- 1) Was the structure designed by a noted architect?
  - 2) Has the structure been listed as having historic significance by any local, regional, state or historic agency or society?
  - 3) Does the structure exhibit characteristics of a distinct architectural style?
  - 4) Does the structure belong to the distinctive set of buildings, such as a single structure belonging to a row of similar structures?
  - 5) Is the structure a significant part of the fabric of the community due to its age, unique architecture, historical significance or physical placement?
- (i) ~~(i)~~(h) The architectural review board shall consider the following criteria when determining the compatibility, as defined in this chapter, of replacement structures:
- 1) The existing condition of the structure, as presented by the applicant and as reviewed by the director, and
  - 2) The potential for reuse or rehabilitation of the structure.
- (j) ~~(j)~~(i) The architectural review board shall consider the following criteria when determining the compatibility, as defined in this chapter, of replacement structures:
- 1) Architectural design,
  - 2) Scale relative to height, form, and massing,
  - 3) Lot coverage,
  - 4) Setbacks,
  - 5) Materials,
  - 6) Roof pitch, and
  - 7) Landscaping
- (k) ~~(k)~~(j) The architectural review board shall take one (1) of the following actions after the close of the public hearing:
- 1) Determine that the structure is not a significant structure and that the replacement structure is compatible with other structures in the adjacent and immediate block area, and recommend approval of demolition, or

- 2) Determine that the structure is a significant structure, and make a recommendation to the city council for demolition delay to allow for collaboration with the property owner to explore alternatives to demolition; or,
  - 3) Determine that the proposed replacement structure is incompatible with other structures in the adjacent and immediate block area, and:
    - a. Continue the public hearing to a subsequent architectural review board meeting if sufficient information has not been presented to allow the architectural review board to make a determination or to allow the applicant to resubmit a revised design to address the compatibility issues identified by the architectural review board, or
    - b. Make a recommendation to the city council for demolition delay to allow the applicant to resubmit a revised design to address the compatibility issues identified by the architectural review board.
- (l) ~~(k)~~ Where the architectural review board recommends approval for either the demolition of an existing structure and/or for the construction of a replacement structure, the director shall place the proposed project on the agenda for the next available city council meeting.
- (m) ~~(l)~~ If approved by city council the director shall issue a demolition permit upon application by the property owner or authorized agent per section 5-132 and upon payment of the required demolition permit fee. The application and fee must be submitted within six (6) months of the date of the final city council action. If the request is not submitted within this time, approval of the demolition review shall become null and void.
- (n) ~~(m)~~ Any projects that present a potential negative impact to neighboring properties or the community may be forwarded to the architectural review board for compatibility review.
- (o) If the city council declares the proposed replacement structure is incompatible with other structures in the adjacent or immediate block area, or a replacement structure is not proposed in accordance with this section, a demolition delay may be necessary to allow the applicant to submit a revised design to address the compatibility issues identified by city council.
- (p) No demolition of any structure or any portion of a structure shall be permitted where such structure has determined to be a significant structure by the architectural review board and final action given by the city council, except as set forth in this article.

**SECTION 3: Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 4: Severability.** If any section, subsection, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5: Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**SECTION 6: Penalty.** Any violation of any provision of this Ordinance shall be subject to the penalty prescribed in Section 5-2 of the City of Alamo Height's Code of Municipal Ordinances.

**SECTION 7: Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

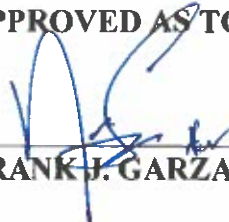
**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 10<sup>TH</sup> DAY OF JUNE 2024.**

  
\_\_\_\_\_  
**BOBBY ROSENTHAL, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**ELSA T. ROBLES, CITY SECRETARY**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**FRANK J. GARZA, CITY ATTORNEY**

