

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
CONTRACT SERVICES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT - NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC UTILITIES
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: _____

27
JUN 15 2006

DATE: _____

MOTION/SECOND: _____

ORDINANCE NUMBER: _____

2006-06-15-0718

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
ROGER O. FLORES District 1			
SHEILA D. MCNEIL District 2			
ROLAND GUTIERREZ District 3			
RICHARD PEREZ District 4			
PATTI RADLE District 5			
DELICIA HERRERA District 6			
ELENA GUAJARDO District 7			
ART A. HALL District 8			
KEVIN A. WOLFF District 9			
CHRISTOPER "CHIP" HAASS District 10			
PHIL HARDBERGER Mayor			

CONSENT AGENDA

2006-06-15-0718

AN ORDINANCE

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE,
ARTICLE VI, OF THE CITY CODE ADOPTING PROCEDURES
FOR REVIEW OF ARCHAEOLOGICAL AND CULTURAL
RESOURCES IN THE CITY OF SAN ANTONIO
EXTRATERRITORIAL JURISDICTION.**

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code on May 3, 2001 (Chapter 35 of the City Code of San Antonio, Texas); and

WHEREAS, the Planning Commission Technical Advisory Committee has recommended changes to the procedures relating to the review and inventory of archaeological and cultural resources within the extraterritorial jurisdiction of the City of San Antonio; and

WHEREAS, the Zoning Commission and Planning Commission has recommended approval of these amendments pertaining to procedures relating to review and inventory of archaeological and cultural resources within the extraterritorial jurisdiction of the City of San Antonio; and

WHEREAS, the Texas Local Government Code provides for the protection and preservation of places and areas of historical, cultural, or architectural importance and significance; **NOW THEREFORE**;

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

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby 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.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Article VI, Division 1, Section 35-601 is amended as follows:

35-601 Purpose

The purpose of this Article is to provide the standards and criteria for protection of the City's historic, cultural, archaeological and artistic resources.

Chapter 35, Article VI, Division 2, Section 35-606 is amended as follows:

35-606 Designation of Historic Landmarks

(c) Resources Not Designated by Initial Ordinance

(2) Uninventoried Resources.

As required under the Certified Local Government (CLG) program of the National ~~national~~ Park Service and the Texas Historical Commission ~~historical-commission~~, the Historic and Design Review Commission ~~historic and design review commission~~ on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters to determine cultural, architectural, historical, or archaeological significance, applying the criteria of § 35-607. For such inventories, the Commission ~~commission~~ shall rate the resources as exceptional, significant, not significant or not rated. Those buildings, objects, sites or structures found by the board to meet the criteria for exceptional or significant landmarks shall be recommended for designation following the procedures in subsection (a) of this section. The City shall require an inventory of resources in the extraterritorial jurisdiction as part of the Subdivision Letter of Certification process.

Chapter 35, Article VI, Division 3, Section 35-632 is amended as follows:

35-632 Unidentified Archaeological Sites

- (a) When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the city's historic preservation officer for assistance on consulting with a qualified archaeologist. The historic preservation officer, with concurrence from the archaeologist, as soon as possible shall evaluate on-site the significance of the archaeological finding. When the historic preservation officer and the archaeologist concur that no adverse effect on the archaeological site will take place, the project may proceed immediately. Where an adverse effect on the archaeological site will take place, the project shall be referred to the historic and design review commission at the historic and design review commission's next regular meeting or a called meeting for review following the same procedure set forth for identified archaeological sites.
- (b) Unidentified archeological sites will, upon discovery, be treated as inventoried archeological site and will be reviewed by the historic preservation officer according to the following procedures:
 - (1) Regarding the discovery of any previously unidentified archaeological site within the city, including sites discovered within the area of any proposed or approved development project for which any items have been submitted to any city department for review, including preliminary review, or for

which any permit applications have been submitted, or for which any permit has been issued:

- A. upon the occurrence of such a discovery, all activities in the vicinity of the site, whether proposed or in progress, will be immediately suspended and will not proceed or resume for thirty (30) days until a written order is issued by the historic preservation officer indicating that activities in that vicinity may proceed or resume;
 - B. the party making the discovery, the property owner, and/or the sponsor of any proposed or suspended activities in the vicinity of the site will immediately notify the historic preservation officer of the discovery.
- (2) Within five (5) working days after being notified of the discovery, the historic preservation officer will examine the site, and will either:
- A. issue a written order indicating that no archeological work at the site is necessary, in which case any proposed or suspended activities in the vicinity of the site may thenceforth immediately proceed or resume; or
 - B. notify the sponsor of any proposed or suspended activities in the vicinity of the site and/or the property owner that, before any proposed or suspended activities in the vicinity of the site can proceed or resume or the site is otherwise disturbed, the procedure outlined in § 35-631(a)(1-5) must be followed, in which case the site will not be disturbed until the procedure is completed.
- (c)** When a previously unidentified archaeological site is discovered in the course of construction in the City's extraterritorial jurisdiction, the property owner immediately shall notify and shall be required to provide an inventory of resources to the city's historic preservation officer.

SECTION 3. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, 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.

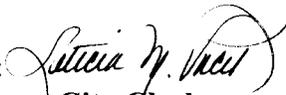
SECTION 5. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

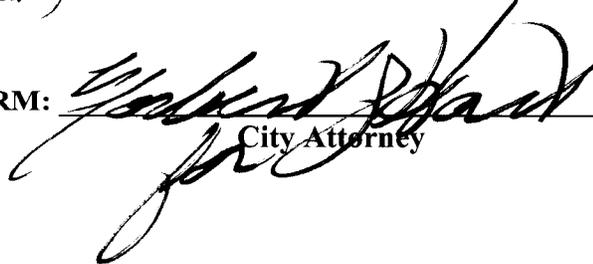
SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Codes to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall become effective the 15th day of June 2006

PASSED AND APPROVED this the 15th day of June, 2006


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

**CITY OF SAN ANTONIO
PLANNING DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager

FROM: Emil R. Moncivais, FAICP, AIA, CNU, Director, Planning Department

SUBJECT: Consideration of an amendment as part of the 2005 Unified Development Code (UDC) Annual Update Program to inventory archeological and cultural resources within the City's Extra Territorial Jurisdiction (ETJ)

DATE: June 15, 2006

SUMMARY AND RECOMMENDATIONS

The Planning Department will present this amendment as part of the 2005 UDC Annual Update Program regarding the review of archeological and cultural resources in the City's ETJ. This item is continued from the December 1, 2005 City Council agenda. The proposed amendment requires an inventory of cultural, historic, archaeological, and architectural resources in the ETJ as part of the Planning Department's review process under Article VI of the UDC.

Staff recommends approval.

BACKGROUND INFORMATION

Article IV of the UDC outlines procedures for filing and processing applications for development approval. The Planning Department is a Certifying Agency responsible for "reviewing plats to attest to cultural and historic resources, including but not limited to archaeology, architecture, and historic sites". Article VI, regulates historic preservation and archeology within the City. Currently Article VI does not address areas in the City's ETJ. The proposed amendment will add the areas in the City's ETJ for review and inventory of archeological and cultural resources during the Master Development Plan and platting process. This will allow for the City's continued efforts to inform applicants of archeological or cultural resources on property prior to the building permit process. Since the City does not have zoning authority within the ETJ, this amendment does not allow for the designation of these resources as historic.

The proposed amendment was reviewed and approved by the Planning Commission Technical Advisory Committee (PCTAC), the Planning Commission and the Zoning Commission after more than eight public meetings and two Public Hearings. The amendment was presented to the City Council Urban Affairs Committee on November 14, 2005. The City Council Urban Affairs Committee directed staff to hold one additional public hearing before the City Council hearing on December 1, 2005. The amendment was continued by City Council on December 1, 2005.

POLICY ANALYSIS

The proposed amendment is consistent with the City's Master Plan Policies, F. Urban Design, Goal 2, "Preserve and enhance the City's historic resources." Additionally, this amendment is consistent with the UDC goal "To preserve, protect, and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which impart a distinct aspect to the City and serve as a visible reminder of the City's culture and heritage."

Texas Local Government Code §212.002 provides that a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

FISCAL IMPACT

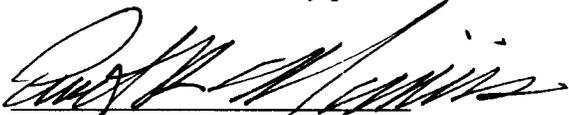
There will be no fiscal impact to the City of San Antonio resulting from City Council approval of this amendment to the UDC.

COORDINATION

This item was coordinated with the City Attorney's Office, Development Services, Planning Commission, Zoning Commission, Real Estate Council, and Planning Commission Technical Advisory Committee.

SUPPLEMENTARY COMMENTS

The Planning Department conducts a courtesy review at the Master Development Plan (MDP) stage to inform the owner of any potential historic/archaeological sites prior to submittal of a plat.

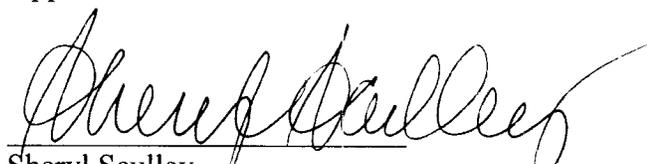


Emil R. Moncivais, FAICP, AIA, CNU
Director, Planning Department



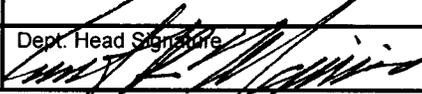
Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

6/8
4:30
need

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO		Request For Ordinance/Resolution		Consent <input type="checkbox"/> Individual <input type="checkbox"/>	
Approval						Item No. 27	
Date:		Department: Planning Department		Contact Person/Phone #: Catherine Hernandez 5797			
Date Council Consideration Requested: June 15, 2006		Deadline for Action: June 15, 2006		Dept. Head Signature 			
SUMMARY OF ORDINANCE							
Amending Chapter 35 of the Unified Development Code as part of the 2005 Unified Development Code Annual Update, by adopting procedures for review of archeological and cultural resources in the City of San Antonio's Extraterritorial Jurisdiction. [Presented by Emil R. Moncivais, Director, Planning; Jelynn LeBlanc Burley, Deputy City Manager]							
Council Memorandum Must be Attached To Original							
Other Depts., Boards, Committees Involved (please specify): City Attorney's Office, Development Services, Planning Commission, Zoning Commission, Real Estate Council, and the Planning Commission Technical Advisory Committee.							
Contract signed by other party Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
FISCAL DATA (If Applicable)							
SAP GL Account		N/A		Amt. Expended		N/A	
Cost Center/Order No.				Funds/Staffing Budgeted		Yes <input type="checkbox"/> No <input type="checkbox"/>	
				Positions Currently Authorized		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Comments:				Impact on future O & M None			
				If positions added, specify Class and Job No.			
				Please submit 3 copies with your original			

Affidavit of Publisher

**AN ORDINANCE
2006-06-15-0718**

STATE OF TEXAS

COUNTY OF BEXAR

S.A. - CITY CLERK

AMENDING CHAPTER 35,
UNIFIED DEVELOPMENT
CODE, ARTICLE VI, OF THE
CITY CODE ADOPTING PRO-
CEDURES FOR REVIEW OF
ARCHAEOLOGICAL AND
CULTURAL RESOURCES IN
THE CITY OF SAN ANTONIO
EXTRATERRITORIAL JURIS-
DICTION.

PASSED AND APPROVED
this the 15th day of June, 2006.
/s/PHIL HARDBERGER
Mayor

ATTEST:
/s/ LETICIA M. VACEK
City Clerk

Before me, the undersigned authority, on this day personally appeared Helen I. Lut: by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a n 6/21, general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2006-06-15-0718 here to attached has been published in every issue of said newspaper on the following days, to wit:

06/21/2006.

Helen I. Lut

Sworn to and subscribed before me this 21st day of of June, 2006.

Stella A. Orozco

