

ORDINANCE 2013-24

AN ORDINANCE OF THE CITY OF UVALDE, TEXAS, APPROVING AND ADOPTING THE DESIGN GUIDELINES FOR THE HISTORIC DISTRICT WITHIN THE CITY OF UVALDE, TEXAS; BY ADDING SECTION 9.16.050, OFFENSE AGAINST HISTORIC PROPERTY, CHAPTER 9.16, OFFENSES AGAINST PROPERTY OF THE UVALDE MUNICIPAL CODE; BY MODIFYING AND ADDING TO SECTION 15.56.010, ADOPTED, CHAPTER 15.56, 2009 INTERNATIONAL ZONING CODE; BY MODIFYING SECTION 17.04.050, DESIGNATING AND DEFINING HISTORIC DISTRICTS, CHAPTER 17.04, ZONING – GENERAL PROVISIONS AND DEFINITIONS; BY ADDING SECTION 17.40.010(F), HISTORIC SIGN GUIDELINES, CHAPTER 17.40 ZONING CODE – SIGNS; BY ADDING SECTION 18.01.020, ADOPTION OF DESIGN GUIDELINES, CHAPTER 18 HISTORIC PRESERVATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING ENFORCEMENT AND PENALTY CLAUSES; PROVIDING OPEN MEETINGS, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS

Whereas, the Historic Preservation Board has reviewed and discussed the proposed amendments to Chapters 9.16, Offenses Against Property, 15.56, International Zoning Code, 17.04 and 17.40, Zoning, and 18.01, Historic Preservation, of the Uvalde Code of Ordinances, and voted to forward its recommendations on the amendments to the Planning & Zoning Commission and the City Council; and

Whereas, the Planning & Zoning Commission held a public hearing on the proposed amendments to Chapters 9.16, Offenses Against Property, 15.56, International Zoning Code, 17.04 and 17.40, Zoning, and 18.01, Historic Preservation, Uvalde Code of Ordinances, and forwarded its recommendation on the amendments to the City Council; and

Whereas, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Chapter 9.16, Offenses Against Property. Chapter 9.16, Offenses Against Property, is hereby amended to add the following Section 9.16.050, Historic Buildings:

- A. It is unlawful for any person to demolish a historic landmark or property within a historic district, including a secondary building, unless a building permit has been issued from the city inspection department and a certificate of appropriateness has been issued by the HPB.

- B. It is unlawful for any person to make repairs or alterations to a historic landmark or property within a historic district unless a certificate of appropriateness has been issued by the HPB and a stop work order may be issued until such certificate has been issued.

Section 3. Amendment of Chapter 15.56, 2009 International Zoning Code. Chapter 15.56, 2009 International Zoning Code, is hereby amended to add the following Section 15.56.020, 2009 International Zoning Code, Additions:

- A. Chapter 10, Section 1002.1 of the 2009 International Zoning Code is modified to include the following definitions:

Historic Preservation Design Guidelines refers to the Design Standards and Guidelines for the Historic Districts within the City of Uvalde, Texas, as adopted and approved by the HPB, the Commission and the Council.

Historic Preservation Overlay Districts. Areas designated as "H" historic preservation overlay districts, as provided by section 18.01.050 hereof and shown accordingly on the zoning map for the city, shall be subject to the regulations of the Historic Preservation Design Guidelines and Chapter 18.01, Historic Preservation Ordinance, which are intended to further the purposes of the "H" historic preservation overlay district.

HPB means the Historic Preservation Board as authorized by Chapter 18.01, Historic Preservation.

- B. Chapter 10, Sections 1004.1 and 1004.7 of the 2009 International Zoning Code are modified to include the following:

1004.1 Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction, including but not limited to the Design Standards and Guidelines for the Historic Districts within the City of Uvalde, Texas.

1004.7a Maintenance, repair and removal of any sign within the Historic Preservation Overlay District and/or any other Historic District within the City of Uvalde must conform with the requirements of Chapter 18.02, Historic Preservation Ordinance, the Historic Preservation Design Guidelines and any alteration may need to be approved by the HPB.

- C. Chapter 10, Section 1008.3 of the 2009 International Zoning Code is modified to add the following subsection 1008.3.8, Historic Signs

1008.3.8. All signs located within any Historic District or a Historic Preservation Overlay Zone shall conform with Chapter 18.01, Historic Preservation Ordinance and the Historic Preservation Design Guidelines and any such removal, repair or modification must be brought before the HPB and, where appropriate, a certificate of appropriateness will be required prior to such

removal, repair or modification. Such action may be in addition to any other permits that may be required pursuant to other statutes, ordinances or codes.

Section 4. Amendment of Section 17.04.050, Zoning – General Provisions and Definitions. Section 17.04.050 Zoning-General Provisions and Definitions is hereby amended to add a definition for Historic Overlay District

Historic Preservation Design Guidelines refers to the Design Standards and Guidelines for the Historic Districts within the City of Uvalde, Texas, as adopted and approved by the HPB, the Commission and the Council.

Historic Preservation Overlay Districts. Areas designated as "H" historic preservation overlay districts, as provided by section 18.01.050 hereof and shown accordingly on the zoning map for the city, shall be subject to the regulations of the Historic Preservation Design Guidelines and Chapter 18.01, Historic Preservation Ordinance, which are intended to further the purposes of the "H" historic preservation overlay district.

HPB means the Historic Preservation Board as authorized by Chapter 18.01, Historic Preservation.

Section 5. Amendment of Section 17.40.010, Zoning Code - Signs. Section 17.40.010 of the Zoning Code - Signs is hereby amended by adding a subsection (F) as follows:

(F) Regulations and guidelines pertaining to historic signage in Historic Preservation Overlay Districts shall be in conformance with the Historic Preservation Design Guidelines and any deviations must be reviewed and approved by the HPB as set out in Chapter 18.01.

Section 6. Amendment of Section 18.01.020. Section 18.01.020 is hereby amended by adding a subsection (C) as follows:

(C) The design standards and guidelines for buildings, landmarks, signs and monuments within the Historic Preservation Overlay Districts and other Historic Districts within the City are hereby adopted and shall be designated as the Design Standards and Guidelines for the Historic Districts within the City of Uvalde, Texas.

Section 7. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 8. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 10. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

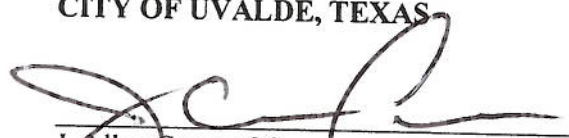
Section 11. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 3 day of December, 2013.

ATTEST:


Susan M. Conley, City Secretary

CITY OF UVALDE, TEXAS


J. Allen Carnes, Mayor