

**ORDINANCE NO. 2024-**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 66 HISTORIC PRESERVATION, SECTION 66-60, ALTERATION CERTIFICATE REQUIRED FOR DEMOLITION; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.***

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**WHEREAS**, the City of New Braunfels is experiencing significant growth, leading to an increased number of demolition and house move permit requests, many of which involve the removal of older structures that may contribute to the historic character of New Braunfels; and

**WHEREAS**, relocation of potentially significant structures within the city limits, as an alternative to demolition, can help preserve the overall historic fabric of New Braunfels and offers property owners the potential for future landmark designation; and

**WHEREAS**, the proposed ordinance amendment will clarify the existing demolition and house move review process language and will improve the efficiency of review by allowing staff to administratively approve certain house move permits taking place within the city limits, thus encouraging alternatives to demolition; and

**WHEREAS**, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations and promote historic preservation, including Action Item 2.25: Increase resources for historic preservation; and

**WHEREAS**, the City Council heard a briefing at their special meeting on March 18, 2024, and directed staff to proceed with amendments ahead of the LDO project; and

**WHEREAS**, the Historic Landmark Commission held a public hearing on April 9, 2024, and recommended approval of the proposed amendments; and

**WHEREAS**, City Council held a public hearing on the proposed ordinance amendment on June 24, 2024; and

**WHEREAS**, the City Council hereby finds and determines that adopting the proposed ordinance amendment provides improved customer service and is in the best interest of the citizens of New Braunfels.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

### **SECTION 1**

**THAT** Chapter 66, Historic Preservation, Article III, Historic Landmark Preservation, Section 66-60, Alteration certificate required for demolition, is hereby amended with additions as underlines and deletions as strikeouts as follows:

#### **Sec. 66-60. ~~Alteration certificate required for demolition.~~ Demolition and House Move Permit Review for Non-Designated Properties.**

**Applicability.** The provisions of this section apply to any request to demolish or move any building, object, site, or structure that is not a historic landmark and is not located within a historic district. Please reference Section 66-57, 66-58 and 66-59 in the Code of Ordinances for the demolition and relocation process pertaining to historically designated properties. ~~A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the (building inspector or other city official) without the review of a completed application for an alteration certificate a Certificate of Alteration approved by the commission historic landmark commission, as provided for in sections 66-57, 66-58 and 66-59.~~

- (1) **Initiation.** ~~Significant sites and structures.~~ All applications for permits to demolish or move buildings, objects, sites, or structures which are not already covered under the processes outlined in Sections 66-57, 66-58 and 66-59 ~~not included under section above~~ shall be referred to the city historic preservation officer for the purpose of determining whether ~~or not~~ the building, object, site, or structure may ~~have historical, cultural, architectural, or archaeological significance.~~ meet the eligibility criteria for local historic landmark designation found in Section 66-56.
- (2) **House/Building Moves.** If a non-historically designated structure located within the boundaries of the City Limits of New Braunfels is being moved to a new location within the City Limits of New Braunfels, the Historic Preservation Officer may approve the move administratively. If a structure within the boundaries of the City Limits of New Braunfels is being moved outside the City Limits of New Braunfels including the ETJ, the Historic Preservation Officer shall follow the process outlined in subsection (3) and evaluate the structure against the historic landmark criteria outlined in Section 66-56.

- (3) **Assessment and Recommendation.** Following receipt of a complete demolition or house move application, properties shall be evaluated for eligibility under the Criteria for the Designation of Historic Landmarks and Districts outlined in 66-56. The city historic preservation officer shall ~~make such determination within 30 days after receipt of the completed demolition permit application and shall notify the building official in writing.~~ determine whether the building, object, site, or structure may meet the criteria for landmark designation in Section 66-56 within thirty (30) days after receipt of the completed application. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition or house move permit may be issued immediately, provided such application otherwise complies with all City Code requirements.
- (4) **Decision.** If said building, object, site, or structure is determined by the historic preservation officer to ~~have historical significance,~~ meet the landmark eligibility criteria, the demolition or house move permit shall not be issued and the historic preservation officer shall make such information available to the historic landmark commission for review and recommendations as to whether it should be designated a historic landmark. If the commission ~~concurs on the significance~~ determines that the structure meets the eligibility criteria, the commission shall recommend to the city council that the building, object, site, or structure be historically designated. ~~as appropriate, an exceptional or significant historic landmark.~~ If the property owner objects to the historic designation, a three-fourths vote of the historic landmark commission or the planning commission and of the city council shall be required for historic designation of the property in question.
- (4) ~~The procedures and criteria for designation in sections 66-54, 66-55, and 66-56 shall be followed for this type of designation.~~
- (5) ~~If the property owner objects to the designations, a three-fourths vote of the entire city council shall be required for historic designation of property in question.~~

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## SECTION 2

**THAT** 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, clause, 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.

## SECTION 3

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

#### **SECTION 4**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

#### **SECTION 5**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

#### **SECTION 6**

**THAT** this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels, Texas.

**PASSED AND APPROVED:** First reading this 24<sup>th</sup> day of June 2024.

**PASSED AND APPROVED:** Second reading this 8<sup>th</sup> day of July 2024.

**CITY OF NEW BRAUNFELS**

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**NEIL LINNARTZ, Mayor**

**ATTEST:**

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**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney