

ORDINANCE NO. 2022.08.09.____

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, RATIFYING THE ADOPTION OF ORDINANCE 17.03.13A "HISTORIC LANDMARK PRESERVATION ORDINANCE" (HLPO); RECODIFYING THE HLPO AS ARTICLE 14.03 OF THE CITY'S CODE OF ORDINANCES; AMENDING PORTIONS OF THE HLPO; PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose, Texas (City) is a Type A general-law municipality located in Somervell County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code (TLGC) and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to §51.001 of the TLGC, "The governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality"; and

WHEREAS, on April 12, 1994, pursuant to the provisions of Chapter 211 of the TLGC, the City Council adopted Ordinance 256-H creating "a district of historical significance" called the "Glen Rose Historic District"; and

WHEREAS, on June 13, 2000, Ordinance 256-H was amended, but the boundaries of the Historic District remained the same; and

WHEREAS, on July 12, 2004, Ordinance 256-H was again amended, but the boundaries of the Historic District remained the same; and

WHEREAS, the minutes of the May 11, 2009, City Council Meeting indicated the City Council voted to expand the "Historic Preservation District," but the new boundaries were not described in the minutes or any document directly associated with that meeting; and

WHEREAS, on July 11, 2011, the City Council voted to adopt the Historic District Ordinance (with changes); however, no copy of a signed Ordinance bearing that date has been found; and

WHEREAS, an unsigned and undated copy of "The City of Glen Rose Preservation District Ordinance" paralleling a model ordinance provided by the State of Texas was found, but the Ordinance provided no description of the Historic District boundaries; and

WHEREAS, on August 16, 2016, the Historic Preservation Commission conducted a public hearing on and subsequently voted to approve a Historic Preservation Ordinance and District Map; and

WHEREAS, among the document associated with the August 16, 2016 meeting, was a map depicting an area larger than what was described in the 1994, 2000, and 2004 ordinances (presumably the District as expanded at the May 11, 2009 City Council Meeting), a notice documenting public hearings about a "new Historic Preservation Landmark Ordinance" before both the Historic Preservation Commission and the Planning and Zoning Commission and advertising a January 9, 2017 public hearing

before the City Council, and a list of properties to which it appears the notice was sent; and

WHEREAS, on January 9, 2017, the City Council discussed the proposed, new “Historic Landmark Preservation Ordinance,” but no officially designated “public hearing” was conducted and the Council took no action; and

WHEREAS, on March 13, 2017, pursuant to the provisions of Chapter 211 of the TLGC the City Council repealed and revoked prior preservation ordinances and adopted a new “Historic Landmark Preservation Ordinance” (Ordinance 17.03.13A); and

WHEREAS, also on March 13, 2017, the City Council adopted Ordinance #17.03.13B rolling back the boundaries of the City’s Historic District (AKA Preservation District) to the original boundaries identified in Ordinance 256-H adopted on April 12, 1994, and renaming the District as the “Historic Preservation Overlay District”; and

WHEREAS, since the City Council failed to conduct a public hearing prior to adopting the Historic Land Preservation Ordinance (Ordinance 17.03.13A), it has been determined that said action should be considered at a public hearing and then, ratified; and

WHEREAS, the Historic Landmark Preservation Ordinance was codified as Article 3.16 Historic Landmark Preservation of Chapter 3: Building Regulations of the City's Code of Ordinances; and

WHEREAS, since authorization for designating “places and areas of historical, cultural, or architectural importance and significance” is found in Chapter 211 “Municipal Zoning Authority” of the TLGC, it has been recommended that Article 3.16 Historic Landmark Preservation of the City’s Code of Ordinances be recodified as Article 14.03 of Chapter 14: Zoning of the City's Code of Ordinances; and

WHEREAS, amendments to the City’s Historic Preservation have been proposed to: (1) allow either a staff member or a volunteer to serve as the Historic Preservation Officer, (2) authorize the Historic Preservation Commission (HPC) to vote on making a recommendation to the City Council for filling vacancies when terms expire, (3) remove the 3 consecutive term limitation for HPC members, and (4) to charge the HPC with oversight of the Farmer's Market; and

WHEREAS, both the Historic Preservation Commission and the Planning and Zoning Commission have conducted public hearings and have made recommendations to the City Council regarding said ratification, recodification, and amendments; and

WHEREAS, the City has provided notification and conducted the public hearing required under Chapter 212 of the TLGC concerning ratification and recodification and amendments to the Historic Landmark Preservation Ordinance 17.03.13A; and

WHEREAS, for the good government, peace, and order of the municipality and to carry out the powers granted to the City under Chapter 212 of the TLGC, the City Council has decided to amend Chapter 14 *Zoning* of the City’s Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:

**SECTION 1
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2
RATIFY ADOPTION OF HISTORIC LANDMARK PRESERVATION ORDINANCE**

The adoption of Ordinance 17.03.13A (Historic Landmark Preservation Ordinance) is hereby ratified.

**SECTION 3
RECODIFY ARTICLE 3.16 HISTORIC LANDMARK PRESERVATION**

Chapter 3, Article 3.16 *Historic Landmark Preservation* of the City of Glen Rose Code of Ordinances is hereby recodified as Chapter 14, Article 14.03 *Historic Landmark Preservation* of the City's Code of Ordinances.

The numbering of section headings of said article are hereby renumbered as follows:

- 14.03.001 *Purpose*
- 14.03.002 *Definitions*
- 14.03.003 *Historic Preservation Commission*
- 14.03.004 *Appointment of Historic Preservation Officer*
- 14.03.005 *Criteria for Designation of Local Historic Landmarks and the Historic Preservation Overlay Zoning District*
- 14.03.006 *Certificate of Appropriateness for all Alteration or New Construction*
- 14.03.007 *Certificate of Appropriateness Required for Demolition*
- 14.03.008 *Economic Hardship Application Procedure*
- 14.03.009 *Taxes*
- 14.03.010 *Enforcement*
- 14.03.011 *Ordinary Maintenance*
- 14.03.012 *Penalties*

**SECTION 4
AMEND SECTION 14.03.003(c) ORGANIZATION AND MEETINGS**

Section 14.03.003(c)(4) is hereby amended to read as follows:

HPC members shall be identified by place numbers 1 through 5 and the terms of office served shall be staggered. The city council may reappoint commission members as their terms expire ~~not to exceed three consecutive terms~~. The mayor shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.

**SECTION 5
AMEND SECTION 14.03.003(d) DUTIES AND POWERS**

Section 14.03.003(d) *Duties and Powers* is hereby amended by the addition of the following:

- (21) Make a recommendation to the City Council for filling vacancies when Commission members' terms expire.
- (22) Provide oversight to the Farmer's Market.

SECTION 6
AMEND SECTION 14.03.004 APPOINTMENT OF HISTORIC PRESERVATION OFFICER

Section 14.03.004 *Appointment of Historic Preservation Officer* is hereby amended to read as follows:

The city administrator or its designee shall appoint a qualified **volunteer or** staff person to serve as historic preservation officer (HPO). The HPO shall be empowered to:

SECTION 7
SAVINGS/REPEALING CLAUSE

Chapter 14 of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 9
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

SECTION 10
EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this the 9th day of August, 2022.

Julia Douglas, Mayor

ATTEST:

Staci L. King, City Secretary