

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MISSION, TEXAS AMENDING THE CODE OF ORDINANCES, APPENDIX A (ZONING), ARTICLE VIII (USE DISTRICTS AND CONDITIONAL USES), SECTION 1.47B BY PROVIDING REVISIONS TO ENSURE COMPLIANCE WITH STATE AND CITY REGULATIONS GOVERNING THE CITY'S HISTORIC PRESERVATION ORDINANCE AND PROVIDING THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, on March 23, 1992, the City Council of the City of Mission ("City Council") adopted Ordinance No. 1662, creating Chapter 74, Sections 74-71 – 71-86 (Historic Landmark and District Zoning); and

WHEREAS, on May 11, 2015, the City Council adopted Ordinance No. 4228 repealing Ordinance No. 1662, removing the City's Historic Landmark and Zoning District Ordinance; and

WHEREAS, on June 14, 2021, the City Council adopted Ordinance No. 5035, creating a new Mission Heritage Preservation Overlay District Ordinance; and

WHEREAS, on September 1, 2021, SB 1585 (providing for additional regulations for city initiated historic designations) was made effective by the State of Texas (amending Section 211.0165, restricting all Texas cities from imposing a historical designation on real property without the owner's consent); and

WHEREAS, the City of Mission desires to make sure that the City's Historic Preservation Overlay District Ordinance remains compliant with city and state requirements, including among others, SB 1585.

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

Section 1. Findings of Fact: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2: Enactment: Appendix A, Article VIII, Section 1.47B, is herein revised, in part, as follows. Unless otherwise stated hereunder, all other provisions of Section 1.47B shall remain unchanged and fully enforceable.

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3. HISTORIC PRESERVATION COMMISSION

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Terms. All Historic Preservation Commission members shall serve on the Commission as may be allowed by Section 2-73 of the City's Code of Ordinances (Terms of boards, committees, commissions).

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Removal. All members of the Commission shall serve at the pleasure of the City of Mission and may be removed with or without cause upon majority vote of City Council **and shall comply with Section 2-71 of the City's Code of Ordinances (Attendance requirements)** Any member may resign by submitting a letter of intent to the City Council.

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Compensation. Members shall serve without pay. ~~Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.~~

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7. DESIGNATION PROCESS

These provisions pertaining to the designation of historic properties constitute a part of the comprehensive zoning plan of the City.

Owners of proposed historic properties shall be notified prior to Commission hearing on the recommended designation. At the Commission’s public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence, which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic property.

The procedure for a city-initiated designation of any property, structure, site or district within the City of Mission as a historic landmark or historic district shall be in compliance with Section 211.0165 of the Texas Local Government Code, requiring a supermajority (3/4) vote from the City’s Planning and Zoning Commission and City Council.

The procedure for designating a historic landmark or to establish or amend a historic district may be initiated by the City, by the individual property owner(s), or by at least 20% of the residents of potential district. An application for designation shall be made on forms as prescribed by the City and shall be filed with the HPO along with any fees in accordance with the municipal fee schedule. Building, structures, sites, or areas located within the City which substantially comply with **the initial Commission application process** may be recommended to the **Planning and Zoning Commission and** City Council as proposed historic landmarks or historic districts. The application shall contain:

[The remaining provisions under this section shall remain unchanged, with the exception of the following:]

Upon designation of a historic landmark or historic district by the City Council, the designation shall be recorded by legal description on the City’s official zoning maps, in the the records of real property of **Bell Hidalgo County, Texas**, and with the **Hidalgo County** Appraisal District office.

The applicant or any persons adversely affected by any determination of the Commission may appeal the decision to **the Planning & Zoning Commission, which shall submit its determination to the City Council as with all zoning matters**. Appeal requests shall be on forms as prescribed by the City and shall be filed with the HPO within seven (7) days of the Commission’s decision and scheduled for the next available regularly scheduled **Planning & Zoning Commission** meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City. Appeals to the **Planning & Zoning Commission** shall be considered only on the record made before the Commission and may only allege that the Commission’s decision was arbitrary, capricious or illegal.

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11. CERTIFICATES OF APPROPRIATENESS

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(h) Certificate of appropriateness for demolition.

...

(2) Procedure.

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(d) Notwithstanding any provision of this ordinance, the City Council reserves the right to prohibit the demolition of a landmark structure protected by this ordinance

with ~~six (6)~~ **four (4)** affirmative votes. In all cases, such requests shall comply with Section 211.0165 of the Texas Local Government Code, as may be amended from time to time.

Section 3. Repealer: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 4: Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 5: Codification: The City Secretary is hereby directed to record and publish the attached rule, regulations, and policies in the City's Code of Ordinances.

Section 6: Effective Date: This Ordinance shall be effective immediately upon passage and publication.

Section 7: Proper Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

CONSIDERED, PASSED, AND APPROVED this ____ day of July, 2023.

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney