

ORDINANCE NO. 2014- 02

AN ORDINANCE CORRECTING A SCRIVENER'S OMISSION IN THE BASTROP CITY CODE, CHAPTER 14, "ZONING," ARTICLE 14.03 ET SEQ., RELATED TO HISTORIC LANDMARK PRESERVATION; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on or about October 13, 1998, the City Council of the City of Bastrop, acting under its authority granted to it by the State of Texas, as a general law municipality, adopted Ordinance No. 1998-42 which established the City's Historical Landmark Commission and subsequently amended said Ordinance No. 2003-12 on or about May 27, 2003, and Ordinance No. 2007-30 on or about July 24, 2007; and

WHEREAS, on or about July 24, 2007, the City Council of the City of Bastrop, acting under its authority granted to it by the State of Texas, as a general law municipality, adopted Ordinance No. 2007-30, which established the City's Historical Landmark Commission; and

WHEREAS, subsequently, the City amended its Code of Ordinances, on or about June 26, 2012, to make its Code more uniform, as it related to the appointment and service of various boards, commissions and task forces, including the Historical Landmark Commission, and

WHEREAS, it has come to light that a portion of the Code pertaining to the work and authority of the Historic Landmark Commission to oversee Historic Landmark Preservation was inadvertently omitted from the City's published Codes, as a result of a scrivener's error, and consequently, the City desires to correct that error.

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

PART 1: Chapter 14, Article 14.03, entitled "Historic Landmark Preservation," Section 14.03.001, General, Subsections (c) and (d), shall be corrected to read as follows:

Section 14.03.001 "General"

(a) and (b) remain unchanged.

(c) Historic landmark commission created. There is hereby created a commission to be known as the city historic landmark commission.

(1) The commission shall consist of seven members, residents of the city, to be appointed by the mayor with approval by the city council as follows:

(A) One shall be an architect, planner, or representative of a design profession;

(B) One shall be a representative elected by the county historical society;

(C) One shall be a licensed real estate professional;

(D) One shall be an owner of an historic commercial structure or property;

(E) One shall be an owner of an historic residential structure or property;

(F) One shall be a member from the city's planning and zoning commission;

(G) One shall be a general resident of the city.

(2) All commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the city.

(3) Commission members shall serve for a term of three (3) years, with the exception of the member who is serving on the commission as the planning and zoning commission representative, and that member shall serve for a term that is concurrent with that member's planning and zoning commission term.

(4) Each seat on the commission will be assigned a "place." Commission members' terms of service shall be "staggered," so that the entire membership of the commission will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the commission membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), "draw lots" to determine which "place" will have what number of service in the transition period (e.g., 1/3 of the places will draw for one-year terms, 1/3 of the places will draw for two-year terms, and the remaining 1/3 of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.

(5) In the event of a vacancy on the commission, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.

(6) Attendance requirements for the commission members are set forth in this code, section 1.02.002(b), et seq.

(7) The commission shall be empowered to:

(A) Prepare rules and procedures as necessary to carry out the business of the commission, which shall be ratified by the city council.

(B) Adopt criteria for the designation of historic, architectural, and cultural landmarks, which shall be ratified by the city council.

(C) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks.

(D) Recommend the designation of resources as significant landmarks and/or historic landmarks.

(E) Create committees from among its membership and delegate to these committees responsibilities to carry out the purpose of this article.

(F) Elect a secretary of the commission who shall maintain written minutes which record all actions taken by the commission and the reasons for taking such actions, and file a copy of said minutes with the city secretary.

(G) Recommend conferral of recognition upon the owners of landmarks by means of certificates, plaques, or markers.

(H) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

(I) Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.

(J) Approve or disapprove applications for certificates of appropriateness, demolition or removal, and economic hardship pursuant to this article.

(K) Hold hearings on demolition by neglect pursuant to this article.

(L) Prepare and submit annually to the city council a report summarizing the work completed during the previous year.

(M) Propose tax abatements and other incentive programs for landmarks.

(N) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the commission.

(O) Prepare and adopt design guidelines for the exteriors of historic landmarks, to address architectural and general design elements of structures, including acceptable materials for construction; appropriate architectural character, scale, and detail; acceptable appurtenances or additions to new or existing structures; and acceptable textures and ornamentation.

(8) The commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairman, or on the written request of any two commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

(d) Appointment of historic preservation officer. The chairman of the commission shall serve as historic preservation officer. This officer, working in coordination with the city planner, shall administer this article and advise the commission on matters submitted to it. In addition to serving as representative of the commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

[All provisions of Section 14.03.001, et seq not specifically amended herein remain as stated in the City Code of Ordinances.]

PART 2: Severability: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

PART 3: Effective Date: The provisions of this Ordinance shall take effect immediately after passage and in accordance with applicable law.


READ and Approved on First Reading on the 11TH day of **MARCH, 2014.**

READ and Adopted on Second Reading on the 25TH day of **MARCH, 2014.**

APPROVED:

ATTEST:


Terry Orr, Mayor


Elizabeth Lopez, City Secretary