

**An Ordinance of the City of Plano, Texas, amending Section 16-103 (Definitions), Section 16-105 (Heritage Commission – Powers and Duties), and Section 16-111 (Designation of Heritage Resources – Procedure) of Ordinance No. 2019-8-5, codified as Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.**

**WHEREAS**, the City Council of the City of Plano established provisions for historic landmark preservation for the City of Plano for the purpose of protecting and preserving places and areas of historical and cultural importance to the City of Plano, by Ordinance Nos. 79-12-13, 81-12-10, Subsection (d) of Section II of Ordinance No. 83-10-10, and Ordinance No. 88-10-12, and such Ordinances were collectively codified as Article VI, Historic Landmark Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; and

**WHEREAS**, the above ordinances were subsequently repealed and replaced by the City Council of the City of Plano on February 23, 1998, by Ordinance No. 98-2-26; again repealed and replaced on August 24, 1998, by Ordinance No. 98-8-35; again repealed and replaced on October 8, 2007, by Ordinance No. 2007-10-23; and repealed and replaced on January 8, 2018 by Ordinance 2018-1-13 effective July 9, 2018; and

**WHEREAS**, Ordinance 2018-1-13 was subsequently repealed and replaced by the City Council of the City of Plano on August 26, 2019, by Ordinance No. 2019-8-5, in response to legislation amending Section 211.0165 of the Texas Local Government Code adopted by the State of Texas in 2019; and

**WHEREAS**, additional legislation amending Section 211.0165 of the Texas Local Government Code adopted by the State of Texas in 2021 requires the City of Plano to further update the ordinance to comply with state law; and

**WHEREAS**, upon the recommendation of the Heritage Commission, the City Council now finds that it is necessary to adopt updated provisions for heritage preservation within the City of Plano and that such provisions are in the best interest of the City and its citizens.

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

**Section I.** The definitions of “Heritage District or Heritage Resource District (HD)” and “Heritage Landmark or Individually Designated Heritage Resource (H)” of Section 16-103 (Definitions), Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano are hereby amended to read as follows:

*“Heritage District or Heritage Resource District (HD) means an area which includes two (2) or more structures or sites, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and that has received designation from the Plano City Council as a unified district. A heritage district may have within its boundaries contributing, compatible, and non-contributing structures. A Heritage District or Heritage Resource District is a local historic district under Texas Local Government Code Section 211.0165, as amended.*

*Heritage Landmark or Individually Designated Heritage Resource (H)* means a structure, site, or landmark, together with its accessory buildings, fences, and other appurtenances, of historical, cultural, archaeological, or architectural importance that has received designation from the Plano City Council on its own and not as part of a heritage district. It may or may not also be located within a heritage district as part of a separate designation. A Heritage Landmark or Individually Designated Heritage Resource is a local historic landmark under Texas Local Government Code Section 211.0165, as amended.”

**Section II.** Subsections (s), (t), and (u) of the of Section 16-105 (Heritage Commission – Powers and Duties), Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano are hereby amended to read as follows:

- “(s) Recommend approval of the designation of properties as local historic landmarks and the inclusion of properties in a local historic district without property owner consent pursuant to Texas Local Government Code Section 211.0165(a-1);
- (t) Make a recommendation to the Planning and Zoning Commission and City Council on the designation of a Neighborhood Conservation District pursuant to Article 11.1000 of the Zoning Ordinance; and
- (u) Perform any task otherwise authorized by this Article or the City of Plano Zoning Ordinance.”

**Section III.** Section 16-111 (Designation of Heritage Resources – Procedure), Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano is hereby amended to read as follows:

- “(a) *Property Owner-Initiated Designation.* Any person or corporation having a proprietary interest in a property may submit an application to designate the property as a heritage resource or heritage district. Applications shall be made in writing on a form suitable to the Planning Department and accompanied by payment of the appropriate fee to be charged by the City of Plano, Texas, for administering the application.
  - (1) *Signature Requirements – Heritage Landmarks.* Application for designation of a heritage landmark shall require the signatures of all owners of the property, or their authorized agents.
  - (2) *Signature Requirements – Heritage District.* Applications for designation of heritage districts must contain the signatures of property owners, or authorized agents, of at least sixty percent (60%) of the total number of lots or parcels of land in the proposed district boundaries, as determined by the most recently approved municipal tax roll in which the district is located.
- (b) *City-Initiated Designation.* The Heritage Commission or Planning & Zoning Commission may recommend to the City Council an application be submitted to designate any property, structure, site, or district within the incorporated limits of the City of Plano as a heritage landmark or heritage district. The City Council may, on its own motion, direct city staff to initiate designation proceedings. Upon approval of such motion, the Heritage

Preservation Officer shall prepare a heritage resource designation application and zoning petition on behalf of the City of Plano.

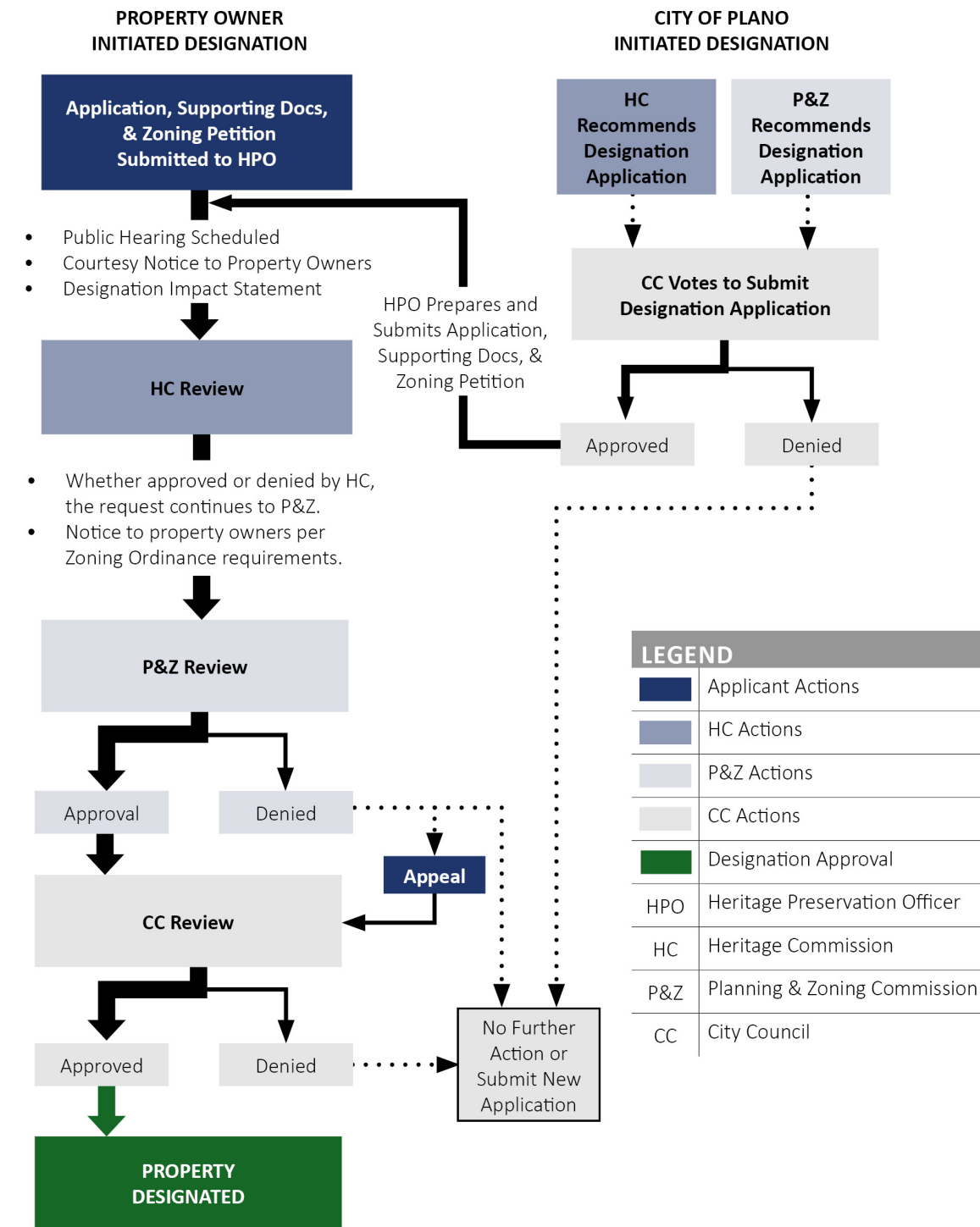
- (c) *Property Owner Consent Requirements.* Pursuant to Section 211.0165 of the Texas Local Government Code, designation of heritage landmarks and heritage districts shall require:
  - (1) Written consent of all property owners within the boundaries of the proposed landmark or district designation, as appropriate, which may be withdrawn at any time in the process; or
  - (2) A three-fourths vote of approval by the Heritage Commission, a review by the Planning and Zoning Commission, and a three-fourths vote of approval by the City Council.
- (d) *Heritage Resource Designation Impact Statement.* At least fifteen (15) calendar days prior to the public hearing at the Heritage Commission for designation of a heritage resource, staff shall provide the property owner(s) with a Heritage Resource Designation Impact Statement that includes:
  - (1) Regulations that are authorized to be applied to the heritage resource after the designation;
  - (2) Procedures for the designation;
  - (3) Tax benefits that are authorized to be applied to the heritage resource after the designation, if any; and
  - (4) Rehabilitation or repair programs offered by the City of Plano for a heritage resource, if any.
- (e) *Review and Recommendation by the Heritage Commission.* Upon staff's acceptance or completion of an application, the Heritage Preservation Officer shall schedule a public hearing at the next practicable Heritage Commission meeting. At least ten (10) calendar days prior to the Heritage Commission meeting, a written courtesy notice of the public hearing shall be sent to all owners of real property within 500 feet of the property or properties on which the designation is proposed. The Heritage Commission shall make a recommendation to the Planning & Zoning Commission as to whether or not the property, district, or site is eligible for heritage resource designation according to the criteria in Section 16-110 of this article and the merits of the application.
- (f) *Review and Recommendation by the Planning & Zoning Commission.* Upon receiving a recommendation by the Heritage Commission, the matter shall be scheduled by staff for a public hearing before the Planning & Zoning Commission. The matter shall proceed in the same manner as a petition for the amendment of the Zoning Ordinance. The Planning & Zoning Commission will consider the criteria for designation specified in the Zoning Ordinance.
- (g) *Decision by the City Council.* The matter shall proceed to the City Council in the same manner and in the same instances as a petition for the amendment of the Zoning Ordinance, except for the procedural requirements in Section 16-111(c). In the event that the City Council approves the amendment to the Zoning Ordinance, the property shall be designated "H" for a heritage landmark or "HD" for a heritage district. If the City Council

does not approve the designation, the procedure for successive applications for petitions for the amendment of the Zoning Ordinance for a particular tract of property shall apply.

- (h) *Decision Recordation.* Upon passage by the City Council of an ordinance designating property as “H” or “HD,” the City Secretary shall file a copy of the ordinance with the appropriate county clerk, in accordance with state law, and the appropriate county tax assessor, together with a written notice briefly stating the fact of the designation and shall send a copy of such notice by certified mail to the owner of the affected property. Designated properties, districts, or sites shall be governed by the comprehensive zoning ordinance of the city and the ordinance establishing the heritage resource.
- (i) *Amendment or Removal.* The same application and procedure that is followed for the designation of heritage resources shall apply for amendment or removal of the designation, except:
  - (1) An owner of any individual property within a heritage district may submit an application to remove only their property from the district without requiring the signatures of at least sixty percent (60%) of the total number of lots of parcels of land within the district boundaries.
  - (2) An owner of any individual property within a heritage district may submit an application to amend the categorization of their property as contributing, compatible, or non-contributing without requiring the signatures of at least sixty percent (60%) of the total number of lots or parcels of land within the district boundaries.
  - (3) The Commission or the Heritage Preservation Officer may initiate amendments to a heritage landmark or heritage district ordinance without a motion from City Council as described in subsection (b) above.

## Exhibit 1 – Summary of the Heritage Resource Designation Procedure

Date specific requirements are located in Section 16-111. In the case of conflict between Exhibit 1 and the ordinance language, the ordinance language shall prevail.



**Section IV.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section V.** 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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section VI.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section VII.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VIII.** This Ordinance shall become effective after publication as required by law or on September 1, 2021, whichever comes later.

**PASSED AND APPROVED THIS THE 9TH DAY OF AUGUST 2021.**

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY