

DATE: June 30, 2021
TO: Honorable Mayor and City Council
FROM: Harold Sickler, Chair, Heritage Commission
SUBJECT: Results of Heritage Commission Meeting on June 29, 2021 *SMS*

AGENDA ITEM NO. 7A - DISCUSSION AND CONSIDERATION - LEGISLATIVE UPDATES TO THE HERITAGE PRESERVATION ORDINANCE

Discussion and consideration of amendments to Sections 16-103 (Definitions), 16-105 (Heritage Commission – Powers and Duties), 16-111 (Designation of Heritage Resources – Procedure) of the Heritage Preservation Ordinance in response to changes in state law regarding requirements for designation of local historic districts.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____
Speaker Card(s) Received **Support:** 0 **Oppose:** 0 **Neutral:** 0

STIPULATIONS:

The Commission recommended approval of amendments of the legislative updates to the Heritage Preservation Ordinance as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 16.103 (Definitions), such modified definitions 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.

Amend Section 16.105 (Heritage Commission – Powers and Duties), such new and modified powers and duties to read as follows:

- (s) Recommend approval of the designation of properties as local historic landmarks and the inclusion of properties into 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
- (su) Perform any task otherwise authorized by this Article or the City of Plano Zoning Ordinance.

Amend Section 16.111 (Designation of Heritage Resources – Procedure), such new sections to read as follows:

- (b) *City-Initiated Designation.* The Heritage Commission or Planning and 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. ~~Pursuant to Section 211.0165 of the Texas Local Government Code, city initiated designation of a heritage landmark shall require:~~
 - ~~(1) Written consent of the property owner, which may be withdrawn at any time in the process; or~~
 - ~~(2) A three-fourths vote of approval by the Heritage Commission or Planning and Zoning Commission to move forward to City Council, and a three-fourths vote of approval by the City Council.~~
- (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 designation, 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 or Planning and Zoning Commission, and a three-fourths vote of approval by the City Council.
- (ed) *Heritage Landmark-Resource Designation Impact Statement.* At least fifteen (15) calendar days prior to the public hearing at the Heritage Commission for designation of a heritage landmark-resource, staff shall provide the property owner(s) with a Heritage Landmark-Resource Designation Impact Statement that includes:
 - (1) Regulations that are authorized to be applied to the heritage landmark-resource after the designation;

- (2) Procedures for the designation;
 - (3) Tax benefits that are authorized to be applied to the heritage ~~landmark~~ resource after the designation, if any.
 - (4) Rehabilitation or repair programs offered by the City of Plano for a heritage ~~landmark~~ resource, if any.
- (fg) *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 ~~as noted for the procedural requirements~~ in Section 16-111(~~bc~~). In the event that the City Council approves the amendment to the Zoning Ordinance, the property shall be designated "H" for 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.

FOR CITY COUNCIL MEETING OF:
see www.plano.gov)

August 9, 2021 (To view the agenda for this meeting,

ORDINANCE

BM/ks



The State of Texas

Secretary of State

I, Jose A. Esparza, Deputy of State of the State of Texas, DO HEREBY CERTIFY that the attached is a true and correct copy of **Senate Bill 1585, 87th Session of the Texas Legislature, Regular Session.**

Date Issued: July 1, 2021

A handwritten signature in black ink, consisting of a stylized "J" and "E" followed by a horizontal line.

Jose A. Esparza
Deputy Secretary of State



Chapter 405

S.B. No. 1585

AN ACT

relating to requirements for the designation of a property as a historic landmark and the inclusion of a property in a historic district by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 211.0165, Local Government Code, is amended to read as follows:

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK OR DISTRICT.

SECTION 2. Section 211.0165, Local Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (b), a municipality that has established a process for designating places or areas of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries may not designate a property as a local historic landmark or include a property within the boundaries of a local historic district unless:

(1) the owner of the property consents to the designation or inclusion; or

(2) if the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of:

(A) the governing body of the municipality; and

(B) the zoning, planning, or historical commission of the municipality, if any.

(a-1) If a municipality has more than one commission described by Subsection (a)(2)(B), the municipality shall designate one of those commissions as the entity with exclusive authority to approve the designations of properties as local historic landmarks and the inclusion of properties in a local historic district under that paragraph.

(b) If the property is owned by an organization that qualifies as a religious organization under Section 11.20, Tax Code, the municipality may designate the property as a local historic landmark or include the property in a local historic district only if the organization consents to the designation or inclusion.

(c) The municipality must provide the property owner a statement that describes the impact that a historic designation or inclusion in a local historic district of the owner's property may have on the owner and the owner's property. The municipality must provide the statement to the owner not later than the 15th day before the date of the initial hearing on the historic designation or inclusion in a local historic district of the property of:

(1) the zoning, planning, or historical commission, if any; or

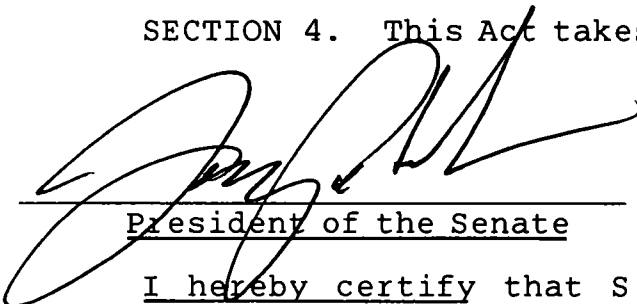
(2) the governing body of the municipality.

SECTION 3. Section 211.0165, Local Government Code, as amended by this Act, applies only to a proposal to include a

S.B. No. 1585

1 property in a historic district or to designate a property as a
2 local historic landmark made on or after the effective date of this
3 Act.

4 SECTION 4. This Act takes effect September 1, 2021. _____

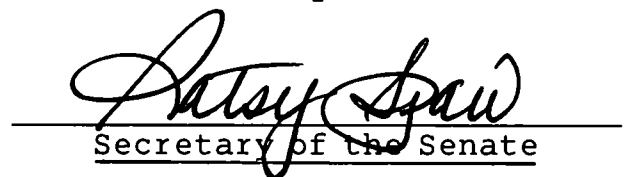


President of the Senate



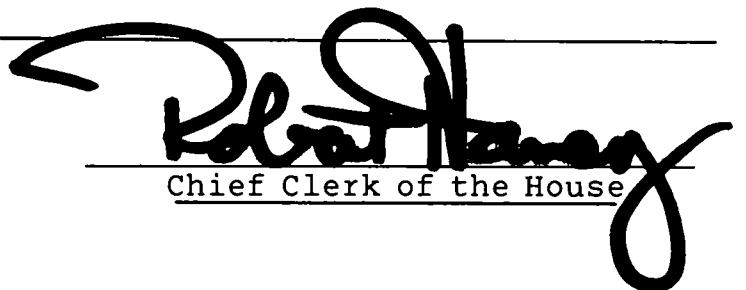
Speaker of the House

I hereby certify that S.B. No. 1585 passed the Senate on
April 21, 2021, by the following vote: Yeas 26, Nays 5. _____



Secretary of the Senate

I hereby certify that S.B. No. 1585 passed the House on
May 23, 2021, by the following vote: Yeas 142, Nays 2, one
present not voting. _____

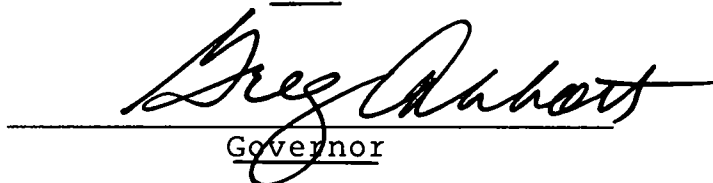


Chief Clerk of the House

Approved:

6-4-21

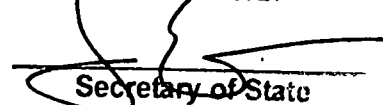
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00pm O'CLOCK

JUN 07 2021



Secretary of State