

Ordinance Number 99-1100.27

An ordinance amending the City Code by: updating the procedures for heritage-related class L permits and class A permits; and dealing with related matters including \$2000 penalties.

Whereas, this ordinance bears a substantial relationship to the public health, safety, or general welfare; and all procedural requirements for the passage hereof have been met;

Be It Ordained by the City of Brownsville:

PART 1. That § 26-232 of the Code of Ordinances, City of Brownsville, Texas, is hereby amended to read as follows:

“§ 26-232. Class L permit.

- A. For procedural purposes, class L permits are divided into two types.**
- 1. Class L permits shall be called class L1 permits if they are not heritage-related. The review body for class L1 permits shall be the city commission.**
 - 2. Class L permits shall be called class L2 permits if they are heritage-related. The review body for class L2 permits shall be the heritage review committee.**
 - 3. A class L permit shall be deemed to be heritage-related if the site is inside any of the following areas:**
 - a. Heritage screening area (as defined by § 9-18).**
 - b. HD (heritage) overlay district (as shown on the Official Zoning Atlas).**
 - c. HL (landmark) overlay district (as shown on the Official Zoning Atlas).**
 - d. Downtown (as defined by § 21.B.51 of the City Zoning Ordinance).**
 - e. Mitte cultural district (as defined by Resolution # 99-021).**

- B. Issuance, issuance with conditions attached, or denial of class L permits is governed by regulations applicable to class permits generally as set out in Division 1 of this Article, regulations set out in **this** Section, and all other applicable regulations set out in the City Code.
- C. It is intended that class L permits be required where development is regulated under general criteria involving broad discretion or where development affects matters deemed to be of city-wide or area-wide importance.
- D. [Reserved].
- E. An application for a class L permit shall be filed at least seven (7) calendar days before the **review-body** meeting at which it shall be considered.
- F. The director shall submit the application and the director's recommendations thereon to the **review body** at or before such meeting.
- G. [Reserved].
- H. The **review body** shall hold a public hearing thereon before taking final action on the permit. Notice thereof shall be published in a newspaper of general circulation in the city at least 72 hours before such hearing. Additional notice thereof **shall** be mailed by the director to the representative of each neighborhood organization qualified under § 26-252 (**and each cultural district created by city commission resolution**) whose boundaries include, or are within a radius of 300 feet from, any property subject to such permit application.
- I. [Reserved].
- J. [Reserved].

- K. The **review body** shall take final action on the application promptly after closing the hearing thereon. Such hearing may be continued for not more than 35 calendar days when the **review body** deems it necessary to require additional information from the applicant or from referrals to other entities in order to have sufficient basis for taking final action.
- L. [Reserved].
- M. Applications for class L permits dealing solely with demolition or moving of buildings shall not be denied but may be granted with reasonable conditions such as a delay of said demolition or moving for up to 60 days after final action by the **review body** on the class L permit.
- N. [Reserved].
- O. **By paying a \$ 50 appeal fee, any person may appeal only to the heritage council (or city commission) any binding decision of the heritage review committee related to a class L2 permit. The appeal shall be filed within 30 days of the decision being appealed. (If the decision being appealed is a positive decision, then the appeal shall be filed before the adjournment of the meeting at which such decision was made.) At the public hearing on an appeal, the heritage review committee's recommendation shall be presented by the historic downtown district manager. All other procedures for processing the appeal shall be identical to the procedures for processing a class L1 permit."**

PART 2 That the Code of Ordinances, City of Brownsville, Texas, is hereby amended by adding sections, to be numbered §§ 26-311 and 26-312, to read as follows:

"§ 26-311. [Reserved].

§ 26-312. Heritage review committee.

A. [Reserved].

B. **There is hereby created a heritage review committee.**

- C. The heritage review committee shall consist of the following three members: a representative of the director, the historic downtown district manager, and a representative of the heritage council.**
- D. Said representative of the director shall serve as the committee's presiding officer.**
- E. If a member is unable to attend a meeting of the committee, such member shall ensure that a substitute attends in place of such member.**
- F. The committee shall schedule approximately 52 regular meetings per year.**
- G. The committee shall have only the authority that is granted to it by city ordinance or resolution or that is delegated to it by the city manager.**
- H. The committee shall have the authority to adopt and enforce rules for the purpose of exercising the responsibilities assigned to it.**
- I. Each member of the committee shall meet all of the following qualifications at all times:**
 - 1. Comply with all laws applicable to an officer of the city.**
 - 2. Comply with all laws applicable to a member of a deliberative, non-advisory board.**
 - 3. Comply with the conflict-of-interest provisions of both Chapter 171 and Chapter 212 of the Texas Local Government Code."**

PART 3. That the Code of Ordinances, City of Brownsville, Texas, is hereby amended by adding a section, to be numbered § 26-221, to read as follows:

"§ 26-221. Class A permit.

- A. [Reserved].**
- B. For procedural purposes, class A permits are divided into two types.**

1. **Class A permits shall be called class A1 permits if they are not minor. The review body for class A1 permits shall be the heritage council. The council shall receive a recommendation from the heritage review committee on each class A1 permit.**
2. **Class A permits shall be called class A2 permits if they are minor. The review body for class A2 permits shall be the heritage review committee.**
3. **A class A permit shall be deemed to be minor if the application is for routine maintenance and replacement (as defined by § 14.430.3 of Appendix B of the City Code)."**

PART 4. That § 26-202.L of the Code of Ordinances, City of Brownsville, Texas, is hereby repealed.

PART 5. That all provisions of §§ 26-8 and 26-10 of the City Code are incorporated herein by reference and declared to be a part hereof; and that this ordinance shall become **effective on June 2, 1999**, provided, however, that it shall have been signed, attested, and recorded in an Ordinance Book of the City with proof of publication, as specified by the City Charter; and that it is NOT the intention of the City Commission that PART 5 of this ordinance be made part of the Code of Ordinances, City of Brownsville, Texas.

INTRODUCED at a public hearing on May 18, 1999. Passed at First Reading on May 25, 1999. **Passed** at Second and Final Reading and **Adopted, Approved, and Enacted** on June 1, 1999.

(SEAL)

Attest: Melissa Dennany Morales **By:** Blanca Sanchez-Vela

Melissa Dennany Morales,
City Secretary

Blanca Sanchez-Vela,
Mayor