

ORDINANCE NO. 2003- 21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CITY CODE SECTION 42.102 TO DESIGNATE AN AREA WITHIN THE CITY AS THE DUNBAR HISTORIC DISTRICT, ALONG THE 200 THROUGH 600 BLOCKS OF MARTIN LUTHER KING, JR. DRIVE, THE 200 THROUGH 500 BLOCKS OF CENTRE STREET, AND THE 200 BLOCKS OF HERNDON STREET, SHADY LANE, SOUTH COMANCHE STREET AND SOUTH FREDERICKSBURG STREET; AMENDING CITY CODE SECTION 42.051 TO REVISE THE COMPOSITION OF THE HISTORIC PRESERVATION COMMISSION TO INCLUDE A REPRESENTATIVE OF THE DUNBAR HISTORIC DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. The City Historic Preservation Commission (the "Commission") has conducted studies and research and reviewed a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the area of the proposed Dunbar Historic District, located along the 200 through 600 blocks of Martin Luther King, Jr. Drive, the 200 through 500 blocks of Centre Street, and the 200 blocks of Herndon Street, Shady Lane, South Comanche Street and South Fredericksburg Street, as depicted on the attached map (the "Proposed District Area").
2. The Commission conducted a public hearing on the designation of the Proposed District Area as the Dunbar Historic District. Notice of the public hearing was published in a newspaper of general circulation in the city, and a written notice of the public hearing was mailed to the owners of all properties to be included in the district, at least ten days before the hearing. Subsequent to the public hearing, the Commission voted to recommend that the Dunbar Historic District be designated and established as an official historic district of the City in accordance with the provisions of Chapter 42, Article 3 of the City Code.
3. The City Planning and Zoning Commission has conducted a public hearing on the designation of the Proposed District Area as the Dunbar Historic District, and has recommended that the Dunbar Historic District be designated and established as an official historic district of the City in accordance with the provisions of Chapter 42, Article 3 of the City Code.
4. The City Council has conducted a public hearing on the designation of the Proposed District Area as the Dunbar Historic District, and the City Council wishes to designate and establish the Proposed District Area as the Dunbar Historic District in accordance with the provisions of Chapter 42, Article 3 of the City Code; and the Council wishes to revise the composition of the Historic Preservation Commission to include a representative from the Dunbar Historic District.

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 AT 9:00' clock AM
 FEB 27 2003
 CITY CLERK
 City of San Marcos

APR 9 5 2003
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 City of San Marcos

MAY 01 2003
 CITY CLERK
 City of San Marcos

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 42.102 of the City Code is amended as follows (underlining indicates added text and ~~overstrike~~ indicates deleted wording):

Sec. 42.102. Local districts established.

(a) There are established the following local historic districts within the corporate limits:

- (1) The Belvin Street historic district.
- (2) The San Antonio Street historic district.
- (3) The Downtown historic district.
- (4) The Dunbar historic district.

(b) Maps of the historic districts will be kept on file for public inspection in the office of the city planning and development services department.

SECTION 2. The Proposed District Area is established as the area of the Dunbar historic district.

SECTION 3. Section 42.051 of the City Code is amended as follows (underlining indicates added text and ~~overstrike~~ indicates deleted wording):

Sec. 42.051. Established; appointment; qualification of members.

The historic preservation commission is established. The commission shall consist of seven persons, appointed by the city council from the following sources:

- (1) One member shall be a resident of the city or its extraterritorial jurisdiction, or shall be employed in the city or its extraterritorial jurisdiction, and shall be from the architecture or design field of expertise.
- (2) Two ~~Three~~ members shall be citizens of the city who have demonstrated an interest in the history of the city.
- (3) One member shall be a property owner or resident from the San Antonio historic district.
- (4) One member shall be a property owner or resident from the Belvin Street historic district.

(5) One member shall be a property owner or business owner within the downtown historic district.

(6) One member shall be a property owner or resident from the Dunbar historic district.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed. The amendment to City Code Section 42.051 made in Section 3 of this ordinance will take effect upon expiration of the current term of an at-large citizen member of the Commission.

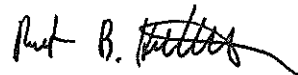
SECTION 5. Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

SECTION 6. This Ordinance will take effect 10 days after the date of its final passage, and the City Secretary will publish notice of its adoption in a newspaper of general circulation in the City.

PASSED AND APPROVED on first reading March 24, 2003.

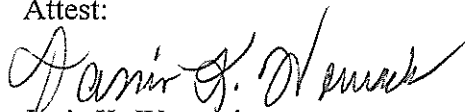
PASSED AND APPROVED on second reading April 14, 2003.

PASSED, APPROVED AND ADOPTED April 28, 2003.



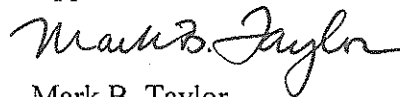
Robert B. Habingreither
Mayor

Attest:



Janis K. Womack
City Clerk

Approved:



Mark B. Taylor
City Attorney

PUBLISHED IN THE SAN MARCOS DAILY RECORD ON WEDNESDAY, MAY 7, 2003.

Proposed Dunbar Historic District

