



ORDINANCE NO. 25-0304-F1

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING THE ENNIS UNIFIED DEVELOPMENT ORDINANCE: ARTICLE II. REVIEW AUTHORITIES, SECTION 2.5 HISTORIC LANDMARKS COMMISSION, SECTIONS 2.5.1 POWERS AND DUTIES, 2.5.2 ORGANIZATION AND MEMBERSHIP, AND 2.5.3 MEETINGS, HEARINGS AND PROCEDURES; ARTICLE III. REVIEW PROCEDURES, SECTION 3.2 COMMON REVIEW PROCEDURES, SECTION 3.2.6 PUBLIC NOTICE, 3.3 SPECIFIC REVIEW PROCEDURES, SECTIONS 3.3.7 HISTORIC OVERLAY OR LOCAL LANDMARK DESIGNATION, 3.3.8 CERTIFICATE OF APPROPRIATENESS (COA), AND 3.3.9 CERTIFICATE OF DEMOLITION OR RELOCATION OF A HISTORIC BUILDING, AND SECTION 3.4 ENFORCEMENT AND PENALTIES, SECTION 3.4.2 VIOLATIONS; ARTICLE VI. BUILDING AND URBAN DESIGN STANDARDS, SECTION 6.5 RESIDENTIAL HISTORIC OVERLAY STANDARDS, SECTION 6.5.2 APPLICABILITY; AMENDING THE CODE OF ORDINANCES, CHAPTER 8.5 HISTORIC DISTRICTS AND LANDMARKS, ALL TO CONSOLIDATE AND STREAMLINE THE HISTORIC PRESERVATION PROVISIONS; PROVIDING SEVERABILITY, REPEALING AND SAVINGS CLAUSES; PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Commission of the City of Ennis, Texas ("City Commission"), has investigated and determined that it will be advantageous and beneficial to the City of Ennis, Texas ("City") and its citizens to amend the Ennis Unified Development Ordinance as set forth below; and

WHEREAS, the City Commission, in compliance with the laws of the State of Texas and the ordinances of the City, has held a public meeting to discuss the changes provided herein and the changes are within the legislative discretion of the City Commission and compliant with the laws of the State of Texas,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS:

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendment to Ennis Unified Development Ordinance. The following sections of the Ennis Unified Development Ordinance of the City of Ennis, Texas, are hereby amended (additions, ~~deletions~~) to read as set forth in Exhibit “A,” attached hereto and incorporated herein for all purposes:

- a. ARTICLE II. REVIEW AUTHORITIES
 - 1. SECTION 2.5 HISTORIC LANDMARKS COMMISSION
 - a. Section 2.5.1 Powers and Duties
 - b. Section 2.5.2 Organization and Membership
 - c. Section 2.5.3 Meetings, Hearings and Procedures
- b. ARTICLE III. REVIEW PROCEDURES
 - 1. SECTION 3.2 COMMON REVIEW PROCEDURES
 - a. Section 3.2.6 Public Notice
 - 2. SECTION 3.3 SPECIFIC REVIEW PROCEDURES
 - a. Section 3.3.7 Historic Overlay or Local Landmark Designation
 - b. Section 3.3.8 Certificate of Appropriateness (COA)
 - c. Section 3.3.9 Certificate of Demolition or Relocation of a Historic Building
 - 3. SECTION 3.4 ENFORCEMENT AND PENALTIES
 - a. 3.4.2 Violations
- c. ARTICLE VI. BUILDING AND URBAN DESIGN STANDARDS
 - 1. SECTION 6.5 RESIDENTIAL HISTORIC OVERLAY STANDARDS
 - a. Section 6.5.2 Applicability

Section 3. Amendment to the Code of Ordinances of the City of Ennis, Texas. The Code of Ordinances of the City of Ennis, Texas, Chapter 8.5 “Historic Districts and Landmarks,” is hereby amended to read as follows (additions, ~~deletions~~):

ARTICLE I. – IN GENERAL.

Sec. 8.5-1. – Purpose

The city commission of the City of Ennis does hereby declare that as a matter of public policy the protection, enhancement, and perpetuation of districts and landmarks of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historical resources of the City of Ennis represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually and these resources constitute the heritage and the citizens of Ennis. This act is intended to:

- (1) Perpetuate, protect, enhance and preserve the historic districts and landmarks which represent distinctive elements of Ennis' historic, architectural, social, economic, ethnic and political heritage and to develop appropriate settings for such places;
- (2) To safeguard the city's historic and cultural heritage, as embodied and reflected in such historic landmarks, by application of appropriate procedures;
- (3) To stabilize and improve property values in such locations;
- (4) To foster civic pride in the beauty and accomplishments of the past, and to promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the City of Ennis;

- (5) To strengthen the economy of the city and to protect and enhance the city's attractions to tourists and visitors, as well as provide support and stimulus to business and industry.
- (6) To provide assistance to property owners and tenants as well as civic organizations, concerned with historical preservation.
- (7) ~~To provide property owners opportunity to reject historic landmark designation by written request to the historic landmark commission and city commission. This request is subject to a sixty-day review by the historic landmark commission before it becomes effective and no penalties apply. Within a historic district, appeals to reject should be handled as provided in section 8.5-5(f).~~

~~Sec. 8.5-2. Historic landmark commission~~

~~There is hereby created a commission to be known as the Ennis Historic Landmark Commission.~~

~~(1) The historic landmark commission shall consist of eleven (11) citizens of the City of Ennis to be appointed by the mayor and confirmed by the city commission of the City of Ennis as follows:~~

- ~~a. One (1) member shall be from the architecture or design area of expertise.~~
- ~~b. Six (6) members shall have demonstrated an interest in the history of Ennis.~~
- ~~c. Four (4) members shall be property owners representing one or more of the historical districts.~~
- ~~d. Ex-officio board members shall include:~~
- ~~e. One (1) representative from the planning and zoning commission.~~
- ~~f. One (1) representative from the city manager's staff.~~
- ~~g. One (1) from the city building inspection staff.~~

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

~~(3) The historic landmark commission as a whole shall represent the ethnic makeup of the City of Ennis.~~

~~(4) Historic landmark commission members shall serve for a term of two (2) years, with the exception that the initial term of five (5) members shall be three (3) years, and six (6) members shall be two (2) years.~~

~~(5) The chairman and vice chairman of the historic landmark commission, shall be elected by and from the members of the historic landmark commission.~~

~~(6) The chairman and the historic landmark commission or his designee shall be the designated preservation officer for the City of Ennis for the purpose of maintaining communication with the Texas Historical Commission.~~

~~(7) The powers of the historic landmark commission shall include:~~

- ~~a. Preparation of rules and procedures as necessary to carry out the business of the historic landmark commission.~~
- ~~b. Recommend adoption of criteria for the identification of historic, architectural, and cultural landmarks and the delineation of historic districts.~~

- ~~c. Conduct surveys and maintain and update an inventory of significant historic, architectural, archaeological and cultural landmarks and historic districts within the City of Ennis.~~
- ~~d. Recommend the designation of resources as landmarks and historic districts.~~
- ~~e. Create committees from among its membership.~~
- ~~f. Maintain written minutes which record all actions taken by the historic landmark commission and the reasons for taking such actions.~~
- ~~g. Recommend conferral of recognition upon the owners of landmarks or within districts 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 commission concerning the utilization of states, federal, or private funds to promote the preservation of landmarks and historic districts within the City of Ennis.~~
- ~~j. Approve or disapprove applications for certificates of appropriateness pursuant to this act.~~
- ~~k. Propose tax abatement program(s) for historic landmarks or structures, or rehabilitations.~~
- ~~l. Prepare specific design guidelines for the review of landmarks and districts.~~
- ~~m. Shall review informally annually the conditions of the properties and possible future needs.~~

~~(8) The historic landmark commission shall meet monthly unless no applications for work have been received, or unless no historic landmark commission action is required. Special meetings may be called at any time by the chairman, or on the written request of any two (2) historic landmark commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.~~

~~(9) A quorum for the transaction of business shall consist of six (6) of the historic landmark commission's voting members.~~

~~(10) A majority of the voting members present will constitute an official vote for the working mechanics of the historic landmark commission, but a minimum of seven (7) affirmative votes will be required to grant a certificate of appropriateness.~~

~~(11) The historic landmark commission shall serve at the pleasure of, be appointed by, and shall be held accountable and governed by the city commission as determined by city ordinance 79-11-5.~~

~~Sec. 8.5 3. — Designation of landmarks or historic districts.~~

- ~~(a) The city commission may designate by zoning ordinance certain buildings, sites, structures, and objects as historic landmarks, if requested by owner, and certain areas as historic districts. Such landmarks and districts shall bear the words historic planned development "HPD" in their zoning designation.~~
- ~~(b) The historic landmark commission may recommend to the planning and zoning commission and the city commission a building, site or structure to be designated a landmark. Property owners of a proposed landmark or within a proposed historic district shall be notified prior to the historic landmark commission's hearing on the designation. At the historic landmark commission's public hearing, commissioners, owners, and interested parties may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark or district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing.~~

~~This historic landmark commission shall make its recommendation on the proposed historic landmark or district to the planning and zoning commission within sixty (60) days from date of submittal of a designation request; the planning and zoning commission shall give notice, conduct its hearing, and make recommendations to the city commission in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Ennis, within forty-five (45) days of receipt of such recommendation. The city commission shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of Ennis, within forty-five (45) days of receipt of such recommendation.~~

~~Upon designation of an area as a historic landmark or district, the designation shall be recorded in the Official Public Records of Real Property of Ellis County, the tax records of the City of Ennis, and the official zoning maps of the City of Ennis. All zoning maps should indicate historic landmarks and districts which shall be identified as "HPD" historic planned development overlay districts. Each "HPD" historic planned development overlay district shall meet the requirements of this chapter and the general zoning ordinances of the City of Ennis, section 10-400 through 10-408 regarding planned development districts.~~

~~A historic landmark or district may be designated if it:~~

- ~~(1) Possess significance in history, architecture, archeology, or culture of the city, state or nation.~~
- ~~(2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state or national history.~~
- ~~(3) Is associated with the lives of persons significant in our past.~~
- ~~(4) Embodies distinctive characteristics of a type, period, or method of construction.~~
- ~~(5) Represents the work of a master designer, builder, or craftsman.~~
- ~~(6) Represents an established and familiar visual feature of the City of Ennis.~~

~~(c) The historic landmark commission may recommend a district to the city commission to be designated if it:~~

- ~~(1) Contains properties which meet one or more of the criteria for designation of a landmark.~~
- ~~(2) Constitutes a distinct section of the City of Ennis.~~

~~The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the city secretary's office for public inspection.~~

~~Sec. 8.5-4. — Certificate of appropriateness for alteration or new construction affecting landmarks or historic districts.~~

~~No person shall carry out any exterior alteration, restoration, reconstruction, new construction or moving of a landmark, or property within a historic district, nor shall any person make any change in the appearance of such a property, its colors, light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public right of way which affect the appearance and cohesiveness of the historic landmark or district, without first applying for a certificate of appropriateness from the historic landmark commission.~~

~~Sec. 8.5-5. — Certificate of appropriateness application procedure.~~

~~(a) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the historic landmark commission. The historic landmark commission, shall if requested, aid the property owner in preparation and completion of the application. The application form shall request the following:~~

- ~~(1) Name, address, telephone number of applicant, detailed description of proposed work.~~
- ~~(2) Location and photographs of the property and adjacent properties (historical photographs also may be helpful).~~
- ~~(3) Elevation drawings of the proposed changes.~~
- ~~(4) Samples of materials to be used, to include paint samples and information on any materials to be used that differ from existing or original materials.~~
- ~~(5) If the proposal include signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.~~
- ~~(6) Site plan if site modifications are requested.~~
- ~~(7) Any other reasonable information which the historic landmark commission may deem necessary in order to visualize the proposed work.~~

~~(b) No building permit shall be issued until application for certificate of appropriateness has been reviewed and acted upon by the historic landmark commission. The certificate of appropriateness shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Ennis. The "Secretary of the Interior's Standards for Historic Preservation Projects" shall be used as a standard reference by the historic landmark commission for the review of each application.~~

~~(c) The historic landmark commission shall take into consideration the current needs of the property owners, and shall be sensitive to the property owners' financial condition.~~

~~(d) The historic landmark commission shall take action on the completed application within twenty-one (21) days from receipt of the completed application, at which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within fourteen (14) days of the date of application.~~

~~(e) No change shall be made in application of any building permit after issuance of a certificate of appropriateness without resubmitting to the historic landmark committee and approval thereof in the same manner as provided above.~~

~~(f) All decisions of the historic landmark commission shall be in writing and shall be sent to the applicant (by registered mail) and a copy filed with the city secretary's office for public inspection. The historic landmark commission's decision shall state the reasons for denying or modifying any application. If denied, no further obligation shall be upon the landowner under this chapter in regards to the proposed construction. However, all other city ordinances must be adhered to.~~

~~(g) If the historic landmark commission has not made a final decision within thirty (30) days, a certificate of appropriateness shall be deemed issued by the historic landmark commission.~~

~~Sec. 8.5-6. — Demolition permit.~~

~~A permit for the demolition or relocation of a historic landmark, or property within a historic district, shall not be granted by the building inspector without the review of a completed application by the historic landmark commission.~~

~~The historic landmark commission shall review the application within sixty (60) days, during which time it shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, the purpose behind preserving the structure as a historic landmark,~~

~~the character of the neighborhood, and all other factors it finds appropriate. If the historic landmark commission determines that, in the interest of preserving historical values, the structure should be preserved, it shall notify the building official that the application has been disapproved. If disapproved, no further obligation shall be upon the landowner under this chapter in regards to the proposed demolition under consideration. However, all other city ordinances must be adhered to.~~

Sec. 8.5-72. - Tax abatement.

(a) The appraised value of improvements completed pursuant to the issuance of a certificate of appropriateness shall not be added to the appraised tax value of the historic landmark structure(s) for a period of five (5) years. Application for abatement pursuant to this section shall be made prior to the 1st day of February of the tax year in which the abatement is to be granted. Application shall be made to the tax collector of the City of Ennis.

(b) Historic landmark structures shall be eligible for a historical appraised tax value exemption of twenty-five (25) percent of the appraised value of the property not to exceed twenty-five thousand dollars (\$25,000.00), providing all modifications or expansions completed after this adoption of the chapter are completed pursuant to the issuance of certificate(s) of appropriateness and the historic landmark or structure is listed or conspicuously identified as a historic structure by the National Register of Historic Places, designated as a Recorded Texas Historical Landmark by the Texas Historical Commission, or has been designated by the City of Ennis as a historically significant site in accordance with the Texas Property Tax Code. To be eligible for the historical appraised tax value exemption, the owner of the landmark or structure must make application annually prior to the 1st day of February to the tax collector of the City of Ennis. Failure to apply for exemption will result in loss of exemption for the appropriate tax year.

(c) [Additional tax abatement programs.]

(1) Historic landmark structures which are non-residential and which are listed on the National or Texas Register of Historic Places or which are located in the designated historic downtown area, as shown on the downtown historic district map attached hereto and incorporated herein for all intents and purposes, shall be eligible for historic reinvestment tax abatements upon the terms and conditions as hereinafter ordained.

(2) Eligible historic landmark structures shall be entitled to reinvestment tax abatement equal to the amount of investment completed within a calendar year. The maximum tax abatement for a project shall not exceed the annual tax liability of the real property. The investments eligible shall be investments made for structural repairs and improvements, electrical repairs and improvements, plumbing repairs and improvements, mechanical repairs and improvements, interior repairs and improvements or exterior restoration. Taxes incurred for investment in personal property shall not be eligible for abatement. Each landowner who desires to apply for a historic reinvestment tax abatement shall apply for said abatement on or before May 1st of the year the tax abatement is to be granted. The abatement, if granted, shall be applicable to only one year. Subsequent abatements for additional projects must be applied for each year. Application shall be made on the official form promulgated by the City of Ennis, Texas.

(3) In addition to the above requirements, each applicant must submit documentation reflecting the cost of the eligible reinvestment project, complete the reinvestment project within the agreed time frame and if facade restoration is contemplated the project must comply with the United States Secretary on Interior's Standards for Historic Restoration. All contemplated reinvestment projects

must be approved by the City of Ennis and all facade restoration projects must also be approved by the Ennis Historic Landmark Commission. The applicant must secure all city permits and must secure periodic city inspection of the project to insure proper completion of the project.

(d) [Historic preservation tax reimbursement.]

(1) Historic preservation (construction, reconstruction or restoration) projects within the national register historic downtown district with documented expenditure for construction, reconstruction or restoration in an amount in excess of fifteen thousand dollars (\$15,000.00) shall be eligible for a seven (7) year, one hundred (100) percent city tax reimbursement. Beginning with the first full tax year after the effective date, and following full payment of taxes to the City of Ennis, the City of Ennis shall annually pay an eligible property owner a Chapter 380 payment equal to one hundred (100) percent of all real property taxes assessed against the existing real property that are paid to the City of Ennis. Personal property taxes (furniture, fixtures, equipment and inventory) assessed against personal property shall not be eligible for reimbursement.

(2) To be eligible for a seven (7) year, one hundred (100) percent City of Ennis tax reimbursement, an applicant must submit documentation reflecting the cost of the eligible historic preservation (construction, reconstruction or restoration) project prior to commencing the project; secure historic landmark commission and city commission approval; complete the historic preservation project within the agreed time frame; and if facade (exterior) restoration is contemplated, comply fully with the United States Secretary of Interior's Standards for Treatment of Historic Properties. All contemplated historic preservation projects must be approved by the city commission of the City of Ennis. All facade (exterior) construction, reconstruction or restoration projects must also be approved by the Ennis Historic Landmark Commission and must be completed in conformance with a certificate of appropriateness issued by the Ennis Historic Landmark Commission. The applicant must secure all city permits and must also secure periodic city inspection of the project to ensure proper completion of the project as authorized by the city commission and the historic landmark commission.

(3) All historic preservation (construction, reconstruction or restoration) projects within the national register historic downtown district applying for city tax reimbursement under this ordinance shall comply fully with section 8.5-5 of the City of Ennis Code of Ordinances (certificate of appropriateness application procedure) and said section of the code shall be incorporated in the body of this ordinance by reference for all purposes as if copied in its entirety.

(4) All historic preservation (construction, reconstruction or restoration) projects within the national register historic downtown district which receive a certificate of appropriateness from the historic landmark commission and city tax reimbursement pursuant to this ordinance shall maintain the building for which the certificate of appropriateness has been issued in accordance with the certificate of appropriateness for the duration of the seven (7) year tax reimbursement period. Should the building owner or occupant fail to maintain the building in accordance with the certificate of appropriateness, tax reimbursements shall be subject to recapture by the city and the building owner shall repay to the city said tax reimbursements within sixty (60) days of demand made by the city.

(5) Any city tax reimbursement that is the subject of this ordinance may be assigned under the terms and conditions of the tax reimbursement agreement following approval by the city commission which shall not be unreasonably withheld.

(6) Under no circumstance shall the annual city tax reimbursement that is the subject of this ordinance in combination with annual reinvestment tax abatements authorized in section 8.5-7(c)(1),(2),(3) of the city Code of Ordinances exceed one hundred (100) percent of all real property taxes paid to the City of Ennis.

~~Sec. 8.5-8. Enforcement.~~

~~All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to all requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the historic landmark commission, or such work shall be found to be in violation of appropriate zoning requirements contained herein; the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A decision shall be made by the historic landmark commission concerning the stop work order within forty-eight (48) hours, excluding week ends and holidays.~~

~~Sec. 8.5-9. Ordinary maintenance.~~

~~Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance. In kind replacement or repair is included in this definition of ordinary maintenance. The plan for cleaning of the exterior of a designated historic landmark shall be submitted to the historic landmark commission for review when the means to be used may change the exterior of said building. The city building inspector shall be authorized to issue a stop work order if the owner's planned activity exceeds ordinary maintenance and repair. In this instance a decision concerning the needs for a certificate of appropriateness shall be decided within forty-eight (48) hours, excluding weekends and holidays, by the historic landmark commission. If a certificate of appropriateness is deemed necessary, the standard rules for its procedures shall apply.~~

~~Sec. 8.5-10. Demolition by neglect.~~

~~No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair, without requesting a demolition permit, so as to result in the deterioration of any exterior architectural feature which would, in the judgement of the historic landmark commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.~~

~~All recommendations of the historic landmark commission shall be in writing and shall be sent to the applicant (by registered mail) and a copy filed with the city secretary's office for public inspection. The historic landmark commission shall state its reasons for recommendation. No further obligation shall be upon the landowner under this chapter in regards to the demolition by neglect. However, all other city ordinances must be adhered to.~~

~~Examples of such deterioration shall include, but are not limited to, the following:~~

- ~~(1) Deterioration of exterior walls or other vertical supports.~~
- ~~(2) Deterioration of roofs or other horizontal members.~~
- ~~(3) Deterioration of exterior chimneys.~~
- ~~(4) Deterioration or crumbling of exterior stucco or mortar.~~

- ~~(5) Ineffective waterproofing or exterior walls, roofs, or foundations, including broken windows or doors.~~
- ~~(6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.~~
- ~~(7) Deterioration of structural elements and the enclosing envelope.~~
- ~~(8) Landscape features.~~
- ~~(9) Deterioration of ornamental features.~~

~~Sec. 8.5-11. Appeals.~~

~~Any person aggrieved by a decision of the historic landmark commission relating to a certificate of appropriateness or to section 8.5-10 of this chapter may, within fifteen (15) days of receipt of the written decision, file a written application with the city commission for review of the decision. The decision of the city commission shall be final.~~

~~Sec. 8.5-12. Penalties.~~

~~Failure to apply for a certificate of appropriateness or failure to apply for a demolition permit shall be deemed a violation and the violator shall be liable for a misdemeanor charge, and be subject to a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each day the violation continues. For the purpose of this chapter, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provisions.~~

~~Sec. 8.5-13. - Historic preservation grants.~~

(a) A major historic preservation (construction, reconstruction or restoration) project within the national register historic downtown district with a documented expenditure for construction, reconstruction or restoration in an amount in excess of fifteen thousand dollars (\$15,000.00), but less than twenty-five thousand dollars (\$25,000.00), will be eligible for a historic preservation grant in an amount equal to five (5) percent of the improvement expenditure for construction, reconstruction or restoration. By way of example, if a twenty thousand dollars (\$20,000.00) historic preservation project meets all historic preservation grant approval requirements and the project is approved by the city commission, a historic preservation grant would be provided in the amount of one thousand dollars (\$1,000.00).

(b) A major historic preservation (construction, reconstruction or restoration) project within the national register historic downtown district with a documented expenditure for construction, reconstruction or restoration in an amount in excess of twenty-five thousand dollars (\$25,000.00), but less than fifty-thousand dollars (\$50,000.00), will be eligible for a historic preservation grant in an amount equal to ten (10) percent of the improvement expenditure for construction, reconstruction or restoration. By way of example, if a forty thousand dollar (\$40,000.00) historic preservation project meets all historic preservation grant approval requirements and the project is approved by the city commission, a historic preservation grant would be provided in the amount of four thousand dollars (\$4,000.00).

(c) A major historic preservation (construction, reconstruction or restoration) project within the national register historic downtown district with a documented expenditure for construction, reconstruction or restoration in an amount in excess of fifty thousand dollars (\$50,000.00), but less than seventy-five thousand dollars (\$75,000.00), will be eligible for a historic preservation grant in

an amount equal to fifteen (15) percent of the improvement expenditure for construction, reconstruction or restoration. By way of example, if a sixty thousand dollar (\$60,000.00) historic preservation project meets all historic preservation grant approval requirements and the project is approved by the city commission, a historic preservation grant would be provided in the amount of nine thousand dollars (\$9,000.00).

(d) A major historic preservation (construction, reconstruction or restoration) project within the national register historic downtown district with a documented expenditure for construction, reconstruction or restoration in an amount in excess of seventy-five thousand dollars (\$75,000.00) will be eligible for a historic preservation grant in an amount equal to twenty-two (22) percent of the improvement expenditure for construction, reconstruction or restoration. By way of example, if a two million dollar (\$2,000,000.00) historic preservation project meets all historic preservation grant approval requirements and the project is approved by the city commission, a historic preservation grant would be provided in the amount of four hundred forty thousand dollars (\$440,000.00).

(e) A major historic preservation (construction, reconstruction or restoration) project within the national register historic downtown district with a documented expenditure for construction, reconstruction or restoration in an amount in excess of seventy-five thousand dollars (\$75,000.00) will be eligible for a historic preservation grant in an amount equal to thirty (30) percent of the improvement expenditure for construction, reconstruction or restoration; provided the construction, reconstruction or restoration project is necessitated by damage from wind, fire, flood, explosion or structural collapse, and said damage, including but not limited to the May 16, 2013, tornado, is in excess of fifty (50) percent of the building's appraised value. By way of example, if a two million dollar (\$2,000,000.00) historic preservation project for a damaged building meets all historic preservation grant approval requirements and is approved by the city commission, a historic preservation grant would be provided in the amount of six hundred thousand dollars (\$600,000.00).

(f) In addition to the above requirements, each applicant must submit documentation reflecting the cost of the eligible historic preservation project, complete the historic preservation project within the agreed time frame and if facade (exterior) restoration is contemplated the project must comply with the United States Secretary of Interior's Standards for Treatment of Historic Properties. All contemplated historic preservation projects must be approved by the city commission of the City of Ennis and all facade (exterior) construction, reconstruction or restoration projects must also be approved by the Ennis Historic Landmark Commission (certificate of appropriateness). The applicant must secure all city permits and must also secure periodic city inspection of the project to ensure proper completion of the project.

(g) As additional consideration for the incentives provided hereunder, any historic preservation grant recipient will make reasonable efforts to maximize sales tax payable to the city on equipment and construction materials by employing or requesting that its contractors employ the following measures; provided, however, it is acknowledged that the improvements may require highly specialized materials that may not be available in the City of Ennis and that the recipient has pre-existing relationships with preferred vendors:

(1) For materials that can be obtained at comparable pricing, quality, quantity and timing from a vendor having a place of business within the city, the recipient and its contractors shall have such materials shipped from, or delivered to, such vendor's Ennis location, and shall take possession of such materials within the City of Ennis;

(2) For materials that cannot be obtained at comparable pricing, quality, quantity and timing from a vendor with a place of business within the city, and cannot be ordered directly from a vendor's supplier, the recipient and its contractors shall have such materials shipped freight on board to, and take possession of such materials at, a location within the City of Ennis; and

(3) For materials obtained from vendors with no place of business within Texas, or materials ordered directly with a vendor's supplier and shipped directly to the recipient's location or its contractor's location, the recipient and its contractors shall have such materials shipped or delivered to, and shall take possession of such materials at, a location within the City of Ennis.

(4) Recipient shall require the contractors with whom it directly contracts for the construction of the improvements to use separated contracts for the purchase of construction materials in which the sales and use tax is sourced to the improvements and to prohibit such contractors from using lump sum billing in such instances.

In addition, the recipient will keep all taxes due the City of Ennis current, and if not paid after fifteen (15) days' notice of delinquent taxes, historic preservation grant disbursements shall cease until taxes are current, and the recipient shall be in default of any agreement issued as a part of the historic preservation grant program.

In addition, the recipient shall obtain a minimum of a fifty (50) percent occupancy rate for useable building space within two (2) years of receiving the certificate of occupancy for any development receiving a historic preservation grant and must maintain such occupancy for the remaining term of any performance agreement. Failure to continuously maintain a fifty (50) percent occupancy rate for a period of ninety (90) days shall constitute a breach of performance agreement and must be remedied within sixty (60) days following written notice of breach by the city.

(h) In the event of default by the recipient and the historic preservation grant is terminated pursuant to the agreed conditions, all historic preservation grant funds previously provided by the city pursuant to a historic preservation grant shall be recaptured and repaid by the grant recipient within sixty (60) days from the date of such termination.

(i) Limitations. Historic preservation grant funds shall not be used for or be matched against non-real property expenditures. Non-real property expenditures are identified as, objects of art, historic artifacts and personal property identified by the Texas Property Tax Code as furnishing, fixtures, equipment and inventory. Historic preservation grant funds shall only be used for or be matched against real property expenditures.

(j) Application form. An applicant for benefits from the historic preservation grant program shall complete an application on a form provided by the City of Ennis. The application shall contain (but not be limited to) the following information:

- (1) Legal name, address and contact information for applicant;
- (2) List of owners, investors and corporate officers, as appropriate;
- (3) Record plat of property with address and legal description;
- (4) Conceptual plan of improvements with all intended uses identified;
- (5) Architectural drawings of all building elevations;

(6) Five (5) year business plan (pro forma) detailing annual revenues and expenditures for building redevelopment and commercial use. The business plan should identify known or potential building users/tenants and intended uses.

(7) Detailed cost estimates for building redevelopment. Estimates shall be prepared by a registered professional engineer or architect licensed in the State of Texas.

(k) Application approval. Each application will be reviewed individually and an approval or denial decision shall be made by the city commission based upon, but not limited to, the following:

(1) The amount of tax revenues the city expects to be generated by the operation of the commercial enterprise; and

(2) The extent of economic enhancement and stimulation that the city will derive from location and/or operation of the commercial enterprise's business; and

(3) The number and quality of new employment opportunities which the city expects will result, directly and indirectly, from the operation of the commercial enterprise; and

(4) The availability and priority of funding and resources the city currently has to participate in an incentive program; and

(5) The viability of the five (5) year business plan for the redevelopment and subsequent commercial operation of the project along with the cost benefit ratio of the investment and induced economic benefits compared to the amount of the city incentive (historic preservation grant).

(l) The decision to approve or deny any historic preservation grant will be based upon the merits of the individual project. In determining what, if any, incentives to provide, the city commission will consider to what extent such incentives are necessary to attract or assist such commercial enterprise, what amount of incentive would provide the city with the most benefit for the cost and meet the needs of the commercial enterprise, the economic benefit that the city will derive from operation of the commercial enterprise's business in the city, the city's budgetary limitations, and the amount of financial participation by the commercial enterprise. Nothing within these procedures shall imply or suggest that the City of Ennis is under any obligation to provide any incentive to an applicant as it reserves the right to decline to participate in the historic preservation grant program with any commercial enterprise. If Type B (4B) sales tax revenues are used to fund a historic preservation grant, then all approvals shall be in accordance with V.T.C.A., Local Government Code §§ 505.151—505.158.

(m) Construction monitoring. Following the issuance of all necessary construction permits by the City of Ennis, the City of Ennis Building Inspection Department shall at least weekly monitor the construction activity associated with any Historic Preservation Project.

(n) Compliance reporting and expenditure documentation. The recipient of a historic preservation grant shall provide a weekly summary report of construction activities. To prevent default or loan recapture, a recipient of a historic preservation grant must maintain and provide to the City of Ennis documentary evidence of all real property expenditures required to receive a historic preservation grant. Should a recipient of a historic preservation grant fail to complete the agreed project, the full historic preservation grant shall be repaid as a default of grant conditions. Should a recipient of a historic preservation grant complete the agreed project but fail to make expenditures in the agreed amount, the recipient shall refund the City of Ennis (as appropriate) five (5) percent, ten (10) percent, fifteen (15) percent, twenty-two (22) percent or thirty (30) percent of the agreed expenditures that were not spent.

(o) Compliance inspection. The recipient of a historic preservation grant shall agree to periodic (unannounced) compliance inspection(s) of construction work and the documentation of agreed materials used and their purchase, installation and finished costs.

(p) Auditing and compliance documentation. The recipient of a historic preservation grant shall agree to maintain and make available to the City of Ennis (upon request) record documents that allow the complete audit of construction, reconstruction or restoration expenditures and materials used.

(q) Historic preservation grant recapture in the event of performance default or partial non-compliance. Should a recipient of a historic preservation grant fail to complete the agreed project, the full grant amount shall be repaid as a default of grant conditions. Should a recipient of a historic preservation grant complete the agreed project but fail to make expenditures in the agreed amount, the recipient shall refund the City of Ennis (as appropriate) five (5) percent, ten (10) percent, fifteen (15) percent, twenty-two (22) percent or thirty (30) percent of the agreed expenditures that were not spent.

(r) Historic preservation grant proceeds disbursement. Historic grant proceeds shall be disbursed in two (2) installments:

(1) Fifty (50) percent of the total grant amount shall be disbursed to the grant recipient when the building permit is issued for an approved historic preservation (construction, reconstruction or restoration) project.

(2) The final fifty (50) percent of the total grant amount shall be disbursed to the grant recipient following the city's issuance of the certificate(s) of occupancy for all agreed improvements subject to the historic preservation grant.

(3) Within thirty (30) days of the recipient's compliance with the historic preservation grant performance agreement, a letter of completion will be issued to the recipient from the city and will formally state that the property owner's performance requirements for the historic preservation grant are satisfied.

(s) Performance agreement. The city and the historic preservation grant recipient shall enter into a performance agreement which specifies the historic preservation grant recipient's performance requirements to receive and maintain the historic preservation grant. The performance agreement shall also set out provisions of historic preservation grant recipient default and grant recapture by the city.

(t) Performance guaranty. The historic preservation grant recipient shall provide the city one (1) of the following project completion guarantees prior to disbursement of historic grant proceeds:

(1) The historic preservation grant recipient shall provide a performance bond in the amount of the historic preservation grant. The performance bond shall be issued by a Texas licensed surety in a form acceptable to the City of Ennis. The City of Ennis shall be the named beneficiary of the performance bond which shall ensure the completion of the historic preservation project. The City of Ennis shall reimburse the grant recipient the premium cost for the performance bond; or

(2) The historic preservation grant recipient shall provide an irrevocable letter of credit in the amount of the historic preservation grant. The irrevocable letter of credit shall be provided by a

financial institution chartered within the State of Texas and shall be in a form acceptable to the City of Ennis. The City of Ennis shall be the named beneficiary of the letter of credit which shall be authorized by separate agreement and shall ensure the completion of the historic preservation project. The City of Ennis shall reimburse the grant recipient reasonable costs for an irrevocable letter of credit; or

(3) The historic preservation grant recipient shall provide another type of legal instrument which provides financial recourse sufficient to allow recovery of the amount of the historic preservation grant should the historic preservation grant recipient fail to complete the project. This legal instrument may be in the form of a collateral agreement, lien or other legal instrument acceptable to the City of Ennis.

(u) Property insurance. Until issuance of a certificate of occupancy, the historic preservation grant recipient shall maintain in force and shall provide evidence of a builder's risk insurance policy in the amount of the sum of the building value at the time of project commencement and all improvements being made to redevelop, restore and/or reconstruct the building. Existing building value shall be insured at actual cash value and improvement value shall be insured at replacement value. The City of Ennis shall be a named insured on the builder's risk insurance policy. The builder's risk insurance policy shall be issued by a surety acceptable to the City of Ennis.

(v) Certificate of appropriateness. Each historic preservation project which receives a historic preservation grant must be completed in accordance with a certificate of appropriateness issued by the Ennis Historic Landmark Commission.

(w) Program review. The historic preservation grant program shall be reviewed at least annually by the city commission to determine if the historic preservation grant program is achieving program goals and objectives in a cost effective manner. Should the city commission determine that the historic preservation grant program is not achieving program goals and objectives in a cost effective manner, the program shall be terminated immediately.

(x) Grant award cessation. The award of new historic preservation grants shall cease on December 17, 2016. All other historic preservation grant requirements including all grant recipient performance requirements contained in this section shall remain in full force and effect before and after cessation of historic preservation grant awards.

Secs. 8.5-4—8.5-20. - Reserved.

ARTICLE II. – ENNIS HISTORIC RESIDENTIAL DISTRICT NO. 1.

Sec. 8.5-21. - Purpose.

The City Commission of the City of Ennis does hereby declare that as a matter of public policy the protection, enhancement, and perpetuation of districts and landmarks of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historical resources of the City of Ennis represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually and these resources constitute the heritage of the citizens of Ennis. This act is intended to:

- (1) Perpetuate, protect, enhance and preserve the historic districts and landmarks which represent distinctive elements of Ennis' historic, architectural, social, economic, ethnic and political heritage and to develop appropriate settings for such places;
- (2) To safeguard the city's historic and cultural heritage, as embodied and reflected in such historic districts, by application of appropriate procedures;
- (3) To stabilize property values in such locations;
- (4) To foster civic pride in the beauty and accomplishments of the past, and to promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the City of Ennis;
- (5) To strengthen the economy of the city and to protect and enhance the city's attractions to tourists and visitors, as well as provide support and stimulus to business and industry;
- (6) To provide assistance to property owners and tenants as well as civic organizations, concerned with historical preservation.

~~Sec. 8.5-22. -- Designation of landmarks or historic districts.~~

~~(a) A historic landmark or district may be designated if it:~~

- ~~(1) Possesses significance in history, architecture, archaeology, or culture of the city, state, or nation.~~
- ~~(2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.~~
- ~~(3) Is associated with the lives of persons significant in our past.~~
- ~~(4) Embodies distinctive characteristics of a type, period, or method of construction.~~
- ~~(5) Represents the work of a master designer, builder, or craftsman.~~
- ~~(6) Represents an established and familiar visual feature of the City of Ennis.~~

~~(b) The historic landmark commission may recommend a district to the city commission to be designated if it:~~

- ~~(1) Contains properties which meet one or more of the criteria for designation of a landmark.~~
- ~~(2) Constitutes a distinct section of the City of Ennis.~~

Sec. 8.5-23. - Ennis Historic Residential District Boundaries.

The boundaries of the historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the city secretary's office for public inspection. A map of the district (Exhibit A) shall be attached to this document.

The Ennis Historic Residential District shall be outlined as follows:

Beginning at a north west district boundary of Gilmer Street and Clay Street; Thence south on Clay Street taking in homes on both sides of Clay Street;
 Thence west on Knox Street to Caesar Street taking in homes on both sides of Knox (west boundaries of Knox being 808 on the north and 903 on the south);
 Thence south on Clay Street to Ennis Avenue; Thence east on Ennis Avenue to McKinney Street;
 Thence north on McKinney Street to Belknap Street; Thence east on Belknap to West Main Street; Thence north on West Main Street to Gilmer Street;
 Thence west on Gilmer Street to Clay Street taking in homes on both sides of Gilmer Street.
 Also included in the Ennis Historic Residential District:
 Brown Street from Clay Street to Sherman Street taking in both sides of Brown Street.

Section 4. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all ordinances of the City of Ennis, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances.

Section 5. Savings Clause. All rights and remedies of the City of Ennis, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City of Ennis hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.


Section 7. Penalty. Any person, firm, partnership, or corporation found violating any provision of the Code of Ordinances of the City of Ennis, Texas, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by a fine set forth in Section 1-14 of the Code of Ordinances. Any person, firm, partnership, or corporation found violating any provision of the Unified Development Ordinance shall be subject to the penalties and remedies provided in the Unified Development Ordinance. Each day that a provision of this Ordinance is violated shall constitute a separate and distinct offense.

Section 8. Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases require.

DULY ADOPTED by the City Commission of the City of Ennis, Texas on this 4th day of March, 2025.



ATTEST:



ANGIE WADE, City Secretary



KAMERON RABURN, Mayor

EXHIBIT "A"
ENNIS UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

2.5 HISTORIC LANDMARKS COMMISSION

2.5.1 Powers and Duties

In addition to any authority granted by state law or other ordinances of the city, the Historic Landmarks Commission (HLC) may:

- (1) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated historic Overlays located in the city. Such information shall be maintained securely, made accessible to the public and should be updated periodically as needed.
- (2) Review and take action on the designation of Landmarks and the delineation of historic Overlays, which shall be ratified by the City Commission.
- (3) Review and recommend to City Commission and other applicable city boards and commissions all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the city that may affect the purpose of historic preservation.
- (4) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (5) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (6) Review and take action on all appeals and deferred actions by the Administrator/HPO regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Historic Preservation Standards in **Article VI Building and Urban Design Standards** of this Ordinance.
- (7) Develop, prepare and adopt recommendations for specific Historic Preservation Standards which shall be considered for adoption by the City Commission, for use in the review of all Certificates of Appropriateness applications.
- (8) Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and Districts within the city.
- (9) Review permits for the demolition or relocation of a building or structure, including issuance of a temporary stay on demolition permits as appropriate, as provided by Section 3.3.9 of this Ordinance.
- (10) Propose incentive program(s) to City Commission for local property owners of historic Landmarks or within local Districts.
- (11) Review and take action on all city preservation-related incentive program applications involving work on Landmarks and historic Overlays per this Ordinance.
- (12) Conduct an informal annual review of the conditions of properties located in designated historic overlays and discuss future needs for properties.

2.5.2 Organization and Membership

- (1) The HLC shall consist of seven (7) regular members and two (2) alternate members, that are residents of the city, to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the community, by the Mayor and confirmed by the City Commission with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation.
- (2) HLC members shall serve for two-year staggered terms. ~~The City Commission may re-appoint HLC members as their terms expire not to exceed three consecutive terms.~~ All terms of the members shall commence from the time of appointment by the City Commission. The standard appointment date for new terms shall be August of each calendar year.
- (3) The appointments of existing members of the HLC are hereby ratified, and such terms shall continue until the expiration of the terms ratified by this subsection, or until the member resigns or is removed.
- (4) Any member may resign by submitting a letter of intent to the Chair that has been read into the official HLC minutes and forwarded to the Mayor. No hearings shall be required for voluntary resignations. The City Commission may terminate any HLC member upon cause after a hearing or upon the absence of over 50% of the scheduled HLC meetings within a calendar year. The City Commission shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.
- (5) The Chair and Vice Chair of the HLC shall be elected by and from its membership.
- (6) Members shall complete any and all training as required by Texas Government Code Chapter 551.

2.5.3 Meetings, Hearings and Procedures

- (1) The HLC shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the HLC Chair, Vice Chair or at the written request of at least two HLC members.
- (2) Any case before the HLC must be heard by at least four (4) of its members. No action of the HLC shall have any force or effect unless it is adopted by the favorable votes of a majority of the voting members present and qualified.
- (3) All meetings and hearings of the HLC are subject to State laws governing open meetings.
- (4) The HLC may adopt its own rules of procedure consistent with Texas law and city ordinances.
- (5) The HLC shall keep a written record of all of its proceedings. The City Secretary or a representative designated by the City Secretary shall serve as secretary of the commission and shall have no vote.

by the applicant, as applicable.

- (d) If required, action shall be taken by the City Commission within thirty (30) days of the date action is taken by the Planning and Zoning Commission.
- (e) A plat is considered approved if the approving body fails to act on a plat within the prescribed period. Provided however, the applicant may request a deferral of action on the subdivision application, thereby waiving the thirty (30) day time period for action by the approving body, provided said request is submitted in writing.

3.2.6 Public Notice

- (1) TYPES OF NOTICES REQUIRED: Based on and as required by Table 3.2-1, applications before the City Commission, ~~and P&Z~~ and HLC shall be preceded by the following public notices:
 - (a) Written Notice: The Administration shall send written notice by US mail, not less than 10 days prior to the hearing, to the applicant and to all property owners within 200 feet (measured from property boundaries) of the subject property in the most recently approved tax roll of the city.
 - (b) Published Notice: When published notice is required, the Administrator shall prepare the content of the notice and publish the notice in an official newspaper or a newspaper of general circulation in the city, not less than 10 days prior to the hearing. The content and form of the published notice shall be consistent with Chapter 211, Texas Local Government Code (TXLGC).

TABLE 3.2-1: Summary Table of Notice Requirements		
Application	Published	Written
Amendment to the UDO Text (all)	✓	
Zoning Map Amendment (rezoning)	✓	✓
<u>Historic Overlay or Landmark Designation</u>	<u>✓</u>	<u>✓</u>
Specific Use Permit	✓	✓
Appeal of Administrative Decision on Certificate of Appropriateness	✓	✓
Demolition or Relocation Permit of a Historic Building	✓	✓
Plat Vacation	✓	✓
Replat – Residential only	✓	✓
Concept Plan	✓	✓

- (2) CONTENT OF THE NOTICE: Notices, whether by publication or mail (written notice) shall, at minimum:
 - (a) The time, date, and place of the hearing
 - (b) The address or description of the property involved (if any)
 - (c) The purpose of the hearing, including the nature and scope of the proposed action
 - (d) The name of the board or commission to hold the hearing
 - (e) Where additional information on the matter may be obtained

3.2.7 Public Hearing and Approval Procedures

This section identifies public hearing and approval procedures for applications that are subject to this Ordinance. Additional procedures and criteria for specific types of applications are located in Section 3.3, Specific Review Procedures. All approval procedures

3.3.7 Historic Overlay or Local Landmark Designation

- (1) **PURPOSE:** This section provides a process to designate individual historic buildings as local Landmarks and create, repeal, or amend local historic overlay designation.
- (2) **APPLICABILITY:**
 - (a) A local historic overlay designation protects multiple sites, buildings, and areas of cultural importance and local landmark designation preserves individual buildings or sites of local historical or cultural importance.
 - (b) Based on a recommendation by the HLC, the City Commission may create, amend, and repeal local historic overlay designation and/or local landmarks by ordinance.
- (3) **INITIATION:** The procedure for designating a historic landmark or to establish or amend a local historic overlay designation may be initiated by the city, or by the individual property owner(s), or by at least the owners of 20% of the property within the potential overlay designation.
- (4) **PRE-APPLICATION MEETING:** In addition to the procedures established in Section 3.2.3, at a pre-application meeting with staff, the potential applicant(s) shall provide the following:
 - (a) Description of the historic significance and background of a landmark or overlay designation, including any studies or reports
 - (b) Current and historic photographs of the landmark or overlay designation
 - (c) Number of property owners affected and relative interests or goals of creating a landmark or overlay designation
 - (d) Any other information which the Administrator/HPO may deem necessary
 - (e) An assessment of the compatibility of the uses, building configuration and design of the proposed project with the surrounding neighborhood and future uses in the Comprehensive Plan. Include specific discussion on how land use transitions between existing and proposed development will be addressed (transition uses, buffers, screening, etc.)
- (5) **APPLICATION SUBMITTAL:**
 - (a) An application for a local historic overlay designation or local landmark designation shall be made on forms as prescribed by the city and shall be filed with the Administrator/HPO along with fees in accordance with the adopted fee schedule.
 - (b) At a minimum, the application shall include plans and supporting documents that include the following:
 - i. Name, address, telephone number of applicant, ~~and~~ physical address of the individual property, and written consent by the property owner if applicable.
 - a. Written consent is required if the property is owned by an organization that qualifies as a religious organization under Section 11.20 of the Tax Code
 - b. The property owner may withdraw the owner's consent at any time in the process

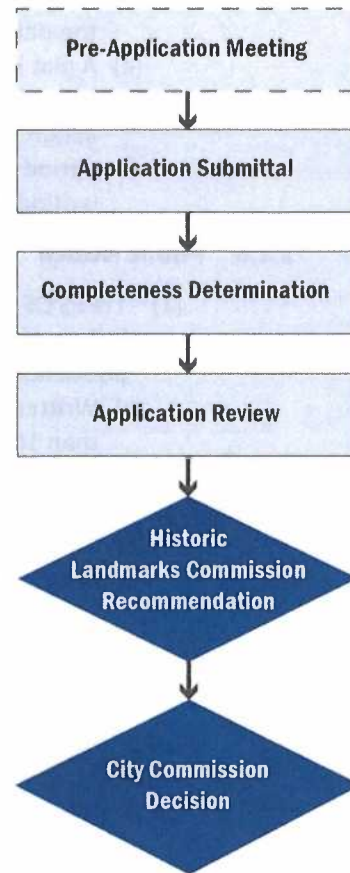


Figure 3.3-7: Local Historic Landmark and Local Historic District Designation Procedures

- ii. Name, address, telephone number of applicant, and signed petition by owners representing at least 20% of the property within the proposed area of an overlay designation
 - iii. Site plan of the individual property or map indicating the geographic boundaries of the proposed landmark or overlay designation area showing all affected buildings and/or structures
 - iv. Detailed historic description and background on the property or overlay designation area including any studies or reports
 - v. Current photographs of the overall property or area along with any historical photographs, if available
 - vi. Any other information which the Administrator/HPO or HPC may deem necessary
- (6) COMPLETENESS DETERMINATION: Requirements in Section 3.2.4 shall apply.
- (7) APPLICATION REVIEW: All complete applications for a local historic overlay designation or a local landmark shall be reviewed by the Administrator/HPO based on the requirements in this Ordinance and any State and Federal criteria for historic designation.
- (8) HISTORIC PRESERVATION IMPACT STATEMENT: The Administrator / HPO must provide property owners the statement required by Section 211.0165 of the Texas Local Government Code not later than 15 days before applicable hearings.
- (9) APPROVAL PROCEDURES:
 - (a) Action by the Historic landmarks Commission: The HLC shall consider any application requesting the designation of a historic landmark or the establishment or amendment of a local historic overlay designation. The HLC shall approve, approve with conditions, or deny the application and forward its report and recommendation to the City Commission.
 - (b) Action by the City Commission: The City Commission has final authority to approve, approve with conditions, or deny, any application requesting the designation of a historic landmark or the establishment or amendment of a local historic overlay designation.
 - (c) Approval or approval with conditions only may be granted if:
 - i. The owner consents to the designation or inclusion; or
 - ii. Except as provided in subsection 5(b)(i), the HLC and the City Commission approve the inclusion or designation by a three-fourths vote.
- (10) REVIEW AND APPROVAL CRITERIA: In addition to the general approval criteria in Section 3.2.7, the following shall also be considered as review criteria for the Administrator, the HLC, and the City Commission:
 - (a) Whether the property or several properties in an overlay designation are listed on any of the following:
 - i. Recorded Texas Historical landmark
 - ii. State Archeological landmark
 - iii. National Register of Historic Places
 - (b) A local landmark may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:
 - i. Possesses significance in history, architecture, archeology, or culture
 - ii. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history
 - iii. Is associated with events that have made a significant impact in Ennis' past.
 - iv. Represents the work of a master designer, builder, or craftsman
 - v. Embodies the distinctive characteristics of a type, period, or method of construction
 - vi. Represents an established and familiar visual feature of the city

(c) A local historic overlay designation may be designated if it substantially complies with both of the following:

- i. Contains properties which meet two or more of the criteria for designation of a landmark that are located within close proximity to each other within a unified neighborhood, block, or street context
- ii. Constitutes a distinct section or area of the city

(11) Upon designation of an historic overlay district, the designation shall be recorded in the Official Public Records of Real Property of Ellis County, the tax records of the City of Ennis, and the official zoning maps of the City of Ennis. All zoning maps should indicate historic landmarks and districts which shall be identified as "HPD" historic planned development overlay districts. Each "HPD" historic planned development overlay district shall meet the requirements of this article and the general zoning ordinances of the City of Ennis.

3.3.8 Certificate of Appropriateness (COA)

- (1) **PURPOSE:** The purpose of the Certificate of Appropriateness procedures prior to the issuance of required permits is to ensure that all exterior alteration, reconstruction, or rehabilitation of historically designated properties are conducted per the requirements of **Article VI Building and Urban Design Standards** of this Ordinance.
- (2) **APPLICABILITY:** ~~A Certificate of Appropriateness shall be required prior to any construction, reconstruction, alteration, change, restoration, removal, or demolition of any exterior architectural feature of a building or structure that is either a designated local landmark or historic building within any historic overlay designation.~~ A Certificate of Appropriateness shall be required prior to any exterior alteration, restoration, reconstruction, new construction, moving or demolition of a landmark, or property within a historic district. No person shall make any change in the appearance of such a property including its colors, light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of the historic landmark or district, without first applying for a Certificate of Appropriateness from the Administrator/ HPO or the Historic Landmark Commission.
- (3) **EXEMPTIONS:**
 - (a) Ordinary repairs and maintenance that do not involve exterior changes in architectural and historical style or value, general design, structural arrangement, type of building materials, primary color, or basic texture.
- (4) **APPLICATION:** The applicant shall submit to the Administrator all of the information required in the application packet for Certificates of Appropriateness, along with any information identified in the pre-application meeting (if any) and all required information stated elsewhere in this Ordinance for a Certificate of Appropriateness. At minimum, the application shall include plans, elevations, and supporting documents that include the following:
 - (a) Location of all existing and proposed buildings and structures, parking areas, driveways, trails, sidewalks, and other improvements on the subject property
 - (b) Existing building elevations or photographs
 - (c) Location of adjoining streets, alleys, and other public improvements
 - (d) Proposed changes to the building exteriors (elevations, sketches, or renderings) with specifications on color, materials, and related elements demonstrating compliance with the zoning district standards in **Article IV Zoning Districts** and any applicable design standards established under this Ordinance or based on the Secretary of the Interior Standards for Rehabilitation



Figure 3.3-8: Certificate of Appropriateness Application Review Procedures

- (5) COMPLETENESS DETERMINATION: Requirements in Section 3.2.4 shall apply.
- (6) REVIEW CRITERIA: All complete applications for Certificates of Appropriateness shall be reviewed by the Administrator/HPO based on the zoning district standards in **Article IV Zoning Districts** and any applicable design standards established under this Ordinance or based on the Secretary of the Interior Standards for Rehabilitation.
- (7) APPROVAL PROCEDURES:
 - (a) Jurisdiction
 - i. The Administrator/HPO may approve, approve with conditions, or deny an application for Certificate of Appropriateness.
 - (b) Approval of Certificate of Appropriateness
 - i. If the Administrator/HPO determines that the COA application complies with this Ordinance, the Administrator/HPO may approve the COA and notify the applicant in writing.
 - ii. The Administrator/HPO reserves the right to forward any Certificate of Appropriateness application for HLC for review and approval when additional direction on design policy is needed or if unable to determine compliance with the design standards in this Ordinance or the Secretary of the Interior's Standards for Rehabilitation.
 - iii. The Administrator/HPO shall report to the Historic Landmark Commission a list of properties for which a Certificate of Appropriateness has been approved administratively. Reports will be provided at each regularly scheduled Historic Landmark Commission meeting. Reports provided to HLC shall include at a minimum the property address, work permitted and date of issuance.
 - (c) Denial of the Certificate of Appropriateness
 - i. If the Administrator/HPO determines that the COA application does not comply with this Ordinance, the Administrator/HPO may deny the COA and notify the applicant in writing. The notification shall include an explanation of why the COA application was denied.
- (8) APPEAL OF ADMINISTRATIVE DECISION ON COA'S: Appeals from the decision of the Administrator/HPO on COA's shall be made to the HLC. The process for such appeals shall follow the process for Zoning Appeals in Section 3.3.10 with the exception that initial appeals shall be considered by the HLC instead of the ZBA and a final appeal may be considered by the City Commission.
- (9) EXPIRATION
Work must commence on an approved Certificate of Appropriateness within 12 months of the date of approval. If the work has not commenced within 12 months, the Certificate of Appropriateness will expire and an extension request must be processed and approved by the Administrator/HPO or Historic Landmark Commission. A maximum of (2) 6 month extensions may be requested. The total time of construction shall not exceed 24 months from the original date of approval. If the work is not completed within 24 months, the original Certificate of Appropriateness will be voided and a new Certificate of Appropriateness application must be submitted and approved to proceed with work.

3.3.9 Certificate of Demolition or Relocation of a Historic Building

- (1) **PURPOSE:** This section provides the process for the demolition of any historic landmark or buildings within a historic overlay designation.
- (2) **APPLICABILITY:** No person or entity shall demolish or relocate any building or structure located in a historic overlay designation district or a designated historic landmark, unless a Certificate of Demolition or Relocation has first been issued by the HLC or City Commission, as set forth in this section.
- (3) **INITIATION:** An interested property owner may submit an application for a Certificate of Demolition or Relocation.
- (4) **PRE-APPLICATION MEETING:** Shall be per procedures established in Section 3.2.3
- (5) **COMPLETENESS DETERMINATION:** In addition to requirements in Section 3.2.4, the Administrator may establish additional requirements for a Certificate of Demolition or Relocation application.
- (6) **APPROVAL PROCEDURES**
 - (a) **Historic Landmarks Commission Public Hearing:** Within 60 days of the receipt of a completed application for a Certificate of Demolition or Relocation, the HLC shall hold a public hearing.
 - i. If, based upon the criteria established in Section 3.3.9 (7) below, the HLC determines that the building or structure:
 1. Should not be demolished, the HLC shall deny the Certificate for Demolition or Relocation.
 2. May be demolished, the HLC may issue the certificate.
 - ii. If the HLC fails to take any action within 120 days of the receipt of a completed application, a Certificate of Demolition or Relocation is deemed issued.
 - iii. If the HLC denies the application for Certificate of Demolition or Relocation, it may be appealed in writing to the City Commission within 14 days of the HLC decision.
 - (b) **City Commission Decision:** The City Commission shall consider any appeals to the HLC's denial of an application for a Certificate of Demolition or Relocation at the applicant's request at a public hearing.
 - i. Based on the criteria established in Section 3.3.9 (7), below, the City Commission shall approve, approve with conditions, or deny the Certificate of Demolition or Relocation.
 - (c) **Conditions for Approval:** In granting a Certificate of Demolition or Relocation, the HLC or the City Commission must find that the interests of preserving historical values and the purposes and intent of this Ordinance will not be adversely affected by the requested demolition or removal, or that such interests will be best served by removal or relocation to another specified location.



Figure 3.3-9 Certificate of Demolition or Relocation Application Procedures

- (7) CRITERIA FOR APPROVAL: In evaluating a request for a Certificate of Demolition or Relocation, the HLC and/or the City Commission may consider the following:
- (a) The architectural, cultural, or historical significance of the building or structure
 - (b) The age of the building or structure
 - (c) The state of repair of the building or structure in question, and the reasonableness of the cost of restoration and repair
 - (d) Additions, alterations, changes, modifications, and updates to the exterior architectural features of the building or structure that would disqualify it from consideration for listing on the National Register of Historic Places
 - (e) The effect, if any, that delaying the demolition or relocation of the building or structure will have
 - (f) The contribution, if any, the building or structure makes to a previously designated and recognized historic overlay designation or landmark and the owner's or any predecessor owner's involvement in the formation or creation of such a designation
 - (g) The willingness of the applicant to donate or sell the building or structure to a third party
 - (h) The potential usefulness or adaptive reuse of the building or structure, including economic usefulness
 - (i) The potential market or demand for such a building or structure in its current condition and location
 - (j) The purpose that would be served in preserving the building or structure
 - (k) All other factors it finds necessary and appropriate to carry out the intent of this Ordinance
- (8) MAINTENANCE AND REPAIRS: No owner or person with an interest in real property designated as a landmark or included within a historic overlay shall permit the property to fall into a serious state of disrepair.
- (a) Omission of Necessary Repairs: Buildings and structures located in a historic overlay designation district or designated as a landmark shall be maintained so as to ensure the exterior and interior structural soundness and integrity of the building and its exterior architectural features so that such deterioration does not produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration shall include, but are not limited to the following:
 - (1) Deterioration of exterior walls or other vertical supports
 - (2) Deterioration of roofs or other horizontal members
 - (3) Deterioration of exterior chimneys
 - (4) Deterioration or crumbling of exterior stucco or mortar
 - (5) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors
 - (6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety
 - (7) Deterioration of structural elements and the enclosing envelope
 - (8) Landscape features
 - (9) Deterioration of ornamental features
 - (b) Determination of Omission: If the HLC or Administrator/HPO determines that there are reasonable grounds to believe that a building or structure or an exterior architectural feature is structurally unsound or in immediate danger of becoming structurally unsound, the Administrator shall notify the owner of record to repair the property within 30 days. If the property is not repaired within 30 days, then the HLC shall hold a public hearing to determine compliance with this section.
 - (c) Mandated Repairs: If at the conclusion of the public hearing, the HLC finds that the building or structure or its architectural features are structurally unsound or are in immediate danger of becoming structurally unsound, the HLC shall advise the property owner and direct repair of the property. The property owner shall satisfy the HLC within 60 days of its decision that all necessary repairs and maintenance to safeguard structural soundness and integrity have been carried out and completed.
- (9) Appeals: Appeals from a decision of the HLC shall be made to the City Commission. Appeals to the City Commission decision shall be made to court of record in Ellis County, Texas within 10 days of the decision.

3.4 ENFORCEMENT AND PENALTIES

3.4.1 Purpose

This article establishes procedures through which the city seeks to ensure compliance with the provisions of this Ordinance and obtains corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance.

3.4.2 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance.

- (1) ESTABLISH ANY USE OR STRUCTURE WITHOUT PERMIT OR APPROVAL: To establish or place any use or structure upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
- (2) DEVELOPMENT OR SUBDIVISION WITHOUT PERMIT OR APPROVAL: To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
- (3) DEVELOPMENT, SUBDIVISION, OR USE INCONSISTENT WITH PERMIT: To engage in any improvements, development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization providing for such activity.
- (4) DEVELOPMENT, SUBDIVISION, OR USE INCONSISTENT WITH CONDITIONS OF APPROVAL: To violate, by act or omission, any term, condition, or qualification placed by a decision-making authority upon any permit or other form of authorization.
- (5) DEVELOPMENT OR SUBDIVISION INCONSISTENT WITH THIS ORDINANCE: To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, or structure, or to engage in development or subdivision of any land in violation of any zoning, subdivision, or other regulation within this Ordinance.
- (6) MAKING LOTS OR SETBACKS NONCONFORMING: To reduce or diminish any lot area so that the lot size, setbacks, or open spaces shall be smaller than required, unless in accordance with any exceptions provided under this Ordinance.
- (7) INCREASING INTENSITY OR DENSITY OF USE: To increase the intensity or density of use of any land or structure, except in accordance with the requirements and standards of this Ordinance.
- (8) REMOVING OR DEFACING REQUIRED NOTICE: To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance.
- (9) MODIFYING A STRUCTURE OR PROPERTY DESIGNATED AS A LANDMARK OR WITHIN A HISTORIC DISTRICT WITHOUT APPROVAL: To make exterior modifications to a building or property designated as a landmark and/or located in a historic overlay that is subject to this Ordinance without all of the approvals required by this Ordinance or not in compliance with a Certificate of Appropriateness or other approvals.

3.4.3 Responsible Persons

A responsible person is any person who has ownership, care, custody or control of a property, building or portion of a building. A responsible person includes, but is not limited to an owner, manager, tenant or contractor. Any responsible person who violates this Ordinance shall be subject to the remedies and penalties set forth in this article.

6.5 RESIDENTIAL HISTORIC OVERLAY STANDARDS

6.5.1 Purpose and Intent

The Design Standards are intended to provide the Ennis Historic Landmark Commission, residents of the Ennis Historic Residential District, and property developers with guidelines for building rehabilitation, new construction, and other changes which would affect the overall appearance of historically designated properties within the Residential Historic (H) Overlay.

The Design Standards in this Section are based on the Secretary of the Interior's Standards for Rehabilitation. The following basic principles help preserve the distinctive character of a historic building and its site while allowing for reasonable change to meet new needs:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken in the gentlest means possible.
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

6.5.2 Applicability

- (1) These design standards shall apply to exterior remodeling visible from a public right-of way within the Residential Historic Overlay #1 as established and detailed in Chapter 8.5 of the City of Ennis Code of Ordinances