

**CITY OF ENNIS, TEXAS  
UNIFIED DEVELOPMENT ORDINANCE  
Article II – Review Authorities**

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**CITY OF ENNIS, TEXAS**  
**UNIFIED DEVELOPMENT ORDINANCE**

**Article II – Review Authorities**

**2.1 PURPOSE & ORGANIZATION**

This article describes the organization and roles of review bodies under this Ordinance.

**2.2 CITY COMMISSION OF THE CITY OF ENNIS**

**2.2.1 Powers and Duties**

In addition to any authority granted to the City Commission by State law, City Charter, or other city ordinances, the City Commission of the City of Ennis may:

- (1) Adopt, make modifications to, and implement the comprehensive plan and supporting studies.
- (2) Amend, supplement, or change the regulations established in this Ordinance.
- (3) Amend, supplement, or change the zoning district boundaries.
- (4) Amend, supplement, or change the historic designation or historic district boundaries.
- (5) Establish fees for processing development applications, zoning verification letters, zoning maps, or other applications required by this Ordinance.
- (6) Grant, deny, or impose conditions for a Specific Use Permit consistent with the purposes stated in **Article III Review Procedures**.
- (7) Take final action on certain plats as set forth in **Article III Review Procedures** of this Code.
- (8) Appoint and remove members of the Planning and Zoning Commission, Zoning Board of Adjustment, Historic Landmarks Commission, Parks and Recreation Board, and any other Board or Commission of the city.

**2.3 PLANNING AND ZONING COMMISSION**

**2.3.1 Powers and Duties**

The Planning and Zoning Commission (P&Z) shall have all powers, discretion, and duties established by the Texas Local Government Code (TXLGC) Chapters 211 and 212. The P&Z shall have the powers and duties set forth in Section 3.1, Summary of Review Procedures, to be carried out in accordance with the terms of this Ordinance. In addition, the P&Z shall have the following responsibilities, also to be carried out in accordance with the terms of this Ordinance:

- (1) Provide analysis and recommendations as requested by the City Commission regarding the Comprehensive Plan and other plans related to land use, thoroughfares, infrastructure, open space and recreation and related long-range growth policy per City Commission's direction; and amendments to this Ordinance and to the zoning map.
- (2) Provide guidance as requested by the City Commission in accomplishing coordinated, adjusted, and harmonious development of the City of Ennis and its environs that will, in accordance with the present and future needs, best promote health, safety, order, convenience, and general welfare, as well as efficiency and economy in the process of development.
- (3) At the request of City Commission, the ability to conduct studies, analysis, and public hearings regarding amendments to relevant sections of this Ordinance; the zoning map; the zoning districts; the City of Ennis's Comprehensive Plan; any other applicable plans;

or portion thereof for the purpose of recommending revision or adoption by the City Commission as required or permitted by TXLGC.

- (4) Gather information and make recommendations to the City Commission and cooperate with the Historic Landmarks Commission and similar organizations about historic and landmark preservation in the city, specifically including, but not necessarily limited to, matters arising out of, or related to any designated Landmarks or Districts.
- (5) In carrying out its duties the P&Z considerations may include, but are not limited to surveys of present conditions; projections of future growth of the City of Ennis; Site Plans of individual projects; the relationship of developments to the surrounding environment and the community; adequate provision for vehicular and pedestrian circulation; the promotion of safety from fire, floodwaters and other dangers; adequate provision for light, air and solar access; the promotion of healthful distribution of population; the promotion of good civic design and arrangement; wise and efficient expenditure of public funds; the promotion of energy conservation; the protection of environmentally sensitive areas; the adequate provision of public utilities, open space and other public requirements; provisions of this Ordinance; and input from the staff, the applicant, and the general public.

### **2.3.2 Organization and Membership**

- (1) The P&Z shall consist of seven members and two alternate members that are all residents of the city appointed by the City Commission. The alternate members shall act in the absence of any regular member at the request of the Chair.
- (2) The term of office of the members of the P&Z shall be two years. All terms of the members and alternates 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) Vacancies due to other reasons than from the expiration of a P&Z Commissioner's term shall be filled for the remainder of the unexpired term by the appointment of the City Commission. The appointment procedure for vacancies is the same as for an original appointment.
- (4) The P&Z shall elect from its membership a chair, a vice- chair and such officers as it may deem necessary during the first commission meeting after City Commission appointment.
- (5) Members shall serve at the will and pleasure of the City Commission. Any member of the P&Z may be removed by majority vote of the City Commission, after public hearing, for absence, inefficiency, neglect of duty, or malfeasance in office. The P&Z may request that the City Commission remove members who fail to attend two consecutive meetings without excuse from the Chair of the P&Z. Excuse requests shall be submitted in writing to the Chair no later than seven days prior to a meeting, to allow time to notify alternate members. Approval of such requests shall be at the discretion of the Chair. If the City Commission removes a member of the commission, it shall file with the minutes of the hearing a written statement of the reasons for such removal.
- (6) The appointments of existing members and alternates to the P&Z 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.

### **2.3.3 Meetings, Hearings and Procedures**

- (1) All meetings and hearings of the P&Z are subject to State laws governing open meetings.
- (2) Any case before the P&Z must be heard by a majority of its members.

- (3) Any action calling for a formal vote shall take place only at a public meeting.
- (4) Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the statutes of the State of Texas.
- (5) The P&Z shall adopt its own rules of procedure consistent with Texas law and city ordinances. All meetings and hearings of the P&Z shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure.
- (6) The P&Z 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 P&Z Commission and shall have no vote.
- (7) The P&Z shall hold regular meetings and shall designate the time and place of the meetings. The P&Z may hold special meetings as provided in its rules of procedure.

## 2.4 ZONING BOARD OF ADJUSTMENT

### 2.4.1 Power and Duties

The Zoning Board of Adjustment (ZBA) has the powers assigned in Texas Local Government Code §211.009, Section 3.3.10, Zoning Variances and Appeals and **Article X, Nonconformities**.

### 2.4.2 Organization and Membership

- (1) The ZBA consists of five members and two alternate members that are residents of the city appointed by the City Commission. The alternate members shall act in the absence of any regular member at the request of the Chair.
- (2) The term of office of the members of the ZBA shall be renewable terms of two consecutive years. All terms of the members and alternates 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) Vacancies due to other reasons than from the expiration of a Board member's term shall be filled for the remainder of the unexpired term by the appointment of the City Commission. The appointment procedure for vacancies is the same as for an original appointment.
- (4) The ZBA shall elect from its membership a chair, a vice- chair and such officers as it may deem necessary during the first Board meeting after City Commission appointment.
- (5) Board members shall serve at the will and pleasure of the City Commission. Any member of the ZBA may be removed by majority vote of the City Commission, after public hearing, for absence, inefficiency, neglect of duty, or malfeasance in office. The ZBA may request that the City Commission remove members who fail to attend two consecutive meetings without excuse from the Chair of the Board. Excuse requests shall be submitted in writing to the Chair no later than seven days prior to a meeting, to allow time to notify alternate members. Approval of such requests shall be at the discretion of the Chair. If the City Commission removes a member of the Board, it shall file with the minutes of the hearing a written statement of the reasons for such removal.
- (6) The appointments of existing members and alternates to the ZBA 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.

### 2.4.3 Meetings, Hearings, and Procedures

- (1) All meetings, hearings and procedures of the ZBA are subject to Texas Local Government Code Chapter 211, the Board's rules of procedure, and this section.

- (2) Any case before the ZBA must be heard by at least four members or alternates.
- (3) The ZBA shall adopt its own rules of procedure consistent with TXLGC. All meetings and hearings of the ZBA shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure.
- (4) All meetings and hearings of the ZBA are subject to State laws governing open meetings.
- (5) The ZBA shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes shall be filed immediately in the board's office and are public records.

## 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 than 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.

### **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 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 HPC 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.

### **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.
- (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.

## **2.6 ADMINISTRATOR**

### **2.6.1 Power and Duties**

The City Manager shall appoint a city staff person to serve as the Administrator who is responsible for administering this Ordinance. The Administrator or his designee:

- (1) Shall maintain and have the duty of care, custody, and control of the records of the P&Z, HLC and the ZBA.
- (2) Shall attend meetings and make recommendations on all matters pertaining to planning, zoning, historic preservation, and land development.
- (3) May approve minor modifications to development standards and to minor changes to approved plans or PD Development Plans where indicated in Section 3.3, Specific Review Procedures.
- (4) Shall determine whether an application substantially complies with this Ordinance or conditions of approval, where authorized by Section 3.2, Common Review Procedures

and Section 3.3, Specific Review Procedures.

- (5) Shall interpret this Ordinance and the Official Zoning Map, unless the authority to interpret a particular provision of this Ordinance is assigned to another agency. All interpretations by the Administrator are subject to appeal to the ZBA.
- (6) May approve certain categories of subdivision plats where provided in Table 3.1-1, Summary of Review Procedures.
- (7) May assign his/her duties to staff within his/her department or other departments. Any reference to the Administrator in this Ordinance includes any designee of the Administrator.

## **2.7 HISTORIC PRESERVATION OFFICER**

### **2.7.1 Powers and Duties**

The Administrator or designee may appoint a qualified city person to serve as Historic Preservation Officer (HPO). The HPO should have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the city who is not a member of the HLC may be appointed by the Administrator as HPO. The HPO shall be empowered to:

- (1) Administer the historic design standards per this Ordinance and advise the HLC on matters submitted to it.
- (2) To maintain and hold open for public inspection all documents and records pertaining to the historic preservation provisions of this Ordinance.
- (3) Receive and review all applications related to historic preservation to ensure their completeness.
- (4) Review and take action on all Certificates of Appropriateness applications subject to administrative review pursuant to this Ordinance.
- (5) Review and forward with any appeals to administrative decisions on Certificates of Appropriateness to the HLC pursuant to this Ordinance.
- (6) Ensure proper posting and noticing of all HLC meetings, schedule applications for HPO/HLC review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all HLC meetings.
- (7) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.