

HISTORIC DISTRICTS AND LANDMARKS
ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS CREATING THE ENNIS HISTORIC LANDMARK COMMISSION; DESCRIBING THE MEMBERSHIP THEREOF; PROVIDING FOR THE DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS; CREATING THE REQUIREMENT OF OBTAINING A CERTIFICATE OF APPROPRIATENESS OR DEMOLITION PERMIT; PROVIDING FOR TAX ABATEMENT; PROVIDING FOR THE ENFORCEMENT THEREOF; CONTAINING A PENALTY CLAUSE AND A SEPARABILITY CLAUSE AND PROVIDING FOR THE PUBLICATION THEREOF.

WHEREAS, Section 211.001 et. sec. of the Texas Local Government Code authorizes the City Commission of the City of Ennis to:

Protect and preserve places and areas of historical and cultural importance and significance and to designate places and areas of historic and cultural importance, and to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures to maintain heritage and property values.

Section 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 of the Citizens of Ennis. This act is intended to:

- (a) 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;
- (b) to safeguard the City's historic and cultural heritage, as embodied and reflected in such historic landmarks, by application of appropriate procedures;

- (c) to stabilize and improve property values in such locations;
- (d) 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;
- (e) 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.
- (f) to provide assistance to property owners and tenants as well as civic organizations, concerned with historical preservation.
- (g) 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 (60) 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 5 (f).

Section 2. HISTORIC LANDMARK COMMISSION

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

- (a) 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:

One (1) member shall be from the architecture or design area of expertise.

Six (6) members shall have demonstrated an interest in the history of Ennis.

Four (4) members shall be property owners representing one or more of the historical districts.

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Ex-officio board members shall include:

One (1) representative from the Planning & Zoning Commission.

One (1) representative from the City Manager's staff.

One (1) from the City Building Inspection staff.

- (b) 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.
- (c) The Historic Landmark Commission as a whole shall represent the ethnic makeup of the City of Ennis.
- (d) 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.
- (e) The Chairman and Vice Chairman of the Historic Landmark Commission, shall be elected by and from the members of the Historic Landmark Commission.
- (f) The Chairman of 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.
- (g) The powers of the Historic Landmark Commission shall include:
 - (1) preparation of rules and procedures as necessary to carry out the business of the Historic Landmark Commission.
 - (2) recommend adoption of criteria for the identification of historic, architectural, and cultural landmarks and the delineation of historic districts.

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- (3) conduct surveys and maintain and update an inventory of significant historic, architectural, archaeological and cultural landmarks and historic districts within the City of Ennis.
 - (4) recommend the designation of resources as landmarks and historic districts.
 - (5) create committees from among its membership.
 - (6) maintain written minutes which record all actions taken by the Historic Landmark Commission and the reasons for taking such actions.
 - (7) recommend conferral of recognition upon the owners of landmarks or within districts by means of certificates, plaques or markers.
 - (8) increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
 - (9) make recommendations to the City Commission concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the City of Ennis.
 - (10) approve or disapprove applications for certificates of appropriateness pursuant to this act.
 - (11) propose tax abatement program(s) for historic landmarks or structures, or rehabilitations.
 - (12) prepare specific design guidelines for the review of landmarks and districts.
 - (13) shall review informally annually the conditions of the properties and possible future needs.
- (h) The Historic Landmark Commission shall meet at least monthly. Special meetings may be called at any time by the Chairman or on the written request of any two (2) Historic Landmark Commission

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members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

- (i) A quorum for the transaction of business shall consist of six (6) of the Historic Landmark Commission's voting members.
- (j) 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.
- (k) 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.

Section 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

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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 ordinance and the general zoning ordinances of the City of Ennis, Section 10-400 thru 10-403 regarding Planned Development Districts.

A historic landmark or district may be designated if it:

- (1) possesses significance in history, architecture, archeology, or culture of the city, state or nation. o✓
- (2) is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history. o✓
- (3) is associated with the lives of persons significant in our past. o✓
- (4) embodies distinctive characteristics of a type, period, or method of construction. o✓
- (5) represents the work of a master designer, builder, or craftsman. o✓

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(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. *and*

(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.

Section 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.

Section 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.

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- (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 includes 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.

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- (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 ordinance 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.

Section 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 ordinance in regards to the proposed demolition under consideration. However, all other City ordinances must be adhered to.

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Section 7. 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 \$25,000.00, providing all modifications or expansions completed after this adoption of the ordinance 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.

Section 8. ENFORCEMENT

All work performed pursuant to a Certificate of Appropriateness issued under this ordinance 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.

Section 9. ORDINARY MAINTENANCE

Nothing in this ordinance 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 need for a Certificate of Appropriateness shall be decided within forty-eight (48) hours, excluding week-ends and holidays, by the Historic Landmark Commission. If a Certificate of Appropriateness is deemed necessary, the standard rules for its procedures shall apply.

Section 10. DEMOLITION BY NEGLIGENCE

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 ordinance 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:

- (a) deterioration of exterior walls or other vertical supports.
- (b) deterioration of roofs or other horizontal members.
- (c) deterioration of exterior chimneys.
- (d) deterioration or crumbling of exterior stucco or mortar.
- (e) ineffective waterproofing or exterior walls, roofs, or foundations, including broken windows or doors.
- (f) 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.
- (g) deterioration of structural elements and the enclosing envelope.
- (h) landscape features.
- (i) deterioration of ornamental features.

Section 11. APPEALS

Any person aggrieved by a decision of the Historic Landmark Commission relating to a Certificate of Appropriateness or to Section 10 of this ordinance 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.

Section 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 (\$10) dollars nor more than two hundred (\$200) dollars for each day the violation continues. For the purpose of this ordinance, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provisions.

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Section 13. SEPARABILITY

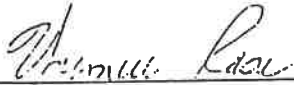
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and application of such provisions to other persons or circumstances shall not be affected thereby.

PASSED on First Reading this the 17th day of April, 1989, and on SECOND AND FINAL READING this the 1st day of May, 1989.



Mayor

ATTEST:



City Secretary