

# ENNIS

## UNIFIED DEVELOPMENT ORDINANCE

Implementing Quality of Life

Prepared for City of Ennis



By

KSA Engineers in association with

Livable Plans and Codes



### ZONING & SUBDIVISION ORDINANCES

#### UPDATE

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

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**Article I – General Provisions**

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

**Article I – General Provisions**

**1.1 TITLE**

This document shall be officially known as the Unified Development Ordinance of the City of Ennis, Texas, and is referred to throughout this document as “this Unified Development Ordinance,” “this UDO,” or “this ordinance.”

**1.2 EFFECTIVE DATE**

This ordinance shall be effective on April 3, 2018.

**1.3 AUTHORITY**

This UDO is adopted under the authority of the Constitution and laws of the State of Texas, including but not limited to, chapters 211 and 212 of the Texas Local Government Code and the Charter of the City of Ennis, Texas.

**1.4 APPLICABILITY & JURISDICTION**

**1.4.1 Within the (Jurisdiction) Limits**

- (1) This ordinance shall apply to all land, buildings, structures, and uses thereof located within the corporate boundaries of the City of Ennis, unless an exemption is provided under the terms of this ordinance.
- (2) No building or structure shall be erected and no existing building or structure shall be moved, altered, expanded, or extended, nor shall any land, building, or structure be used, designated to be used, or intended to be used for any purpose or in any manner other than as provided for in the regulations for the zoning district in which such land, building, or structure is located and with other applicable regulations of the City of Ennis, as they may be amended.
- (3) No lot of record that did not exist on the effective date of this ordinance shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this ordinance, except as expressly exempted from the provisions of this ordinance.

**1.4.2 Within the Extra Territorial Jurisdiction (ETJ)**

This ordinance shall also apply to the subdivision and development of land within the City of Ennis ETJ unless expressly prohibited unless expressly prohibited.

**1.4.3 Annexed Property**

When any property is brought into the jurisdiction of the City of Ennis, by annexation or other means, it shall default to the Agricultural District (A) zoning classification. The Ennis City Commission may designate the zoning district(s) applicable to such property at the

time of annexation. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in this ordinance.

#### **1.4.4 Application to Public Agencies**

To the extent allowed by law, this ordinance shall apply to all land, buildings, structures, and uses owned and/or controlled by any municipal, county, state, or federal government agencies in the City of Ennis. Where the provisions of this ordinance do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this ordinance.

### **1.5 PURPOSE & INTENT**

#### **1.5.1 Generally**

The general purpose and intent of this Unified Development Ordinance is to protect the public health, safety, and general welfare, and to implement the policies and objectives in the City of Ennis Comprehensive Plan, other adopted plans, and design criteria as may be amended from time to time. The Unified Development Ordinance is intended to:

- (1) Secure safety from fire, panic, and other natural and man-made dangers
- (2) Protect life and property in areas subject to floods, landslides, and other natural disasters
- (3) Provide adequate light and air
- (4) Lessen congestion in the streets while enhancing pedestrian and vehicular movement with the least detriment to environmental quality
- (5) Facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements to avoid transportation and public service and facility demands that cannot be satisfied; provide for orderly growth of the community and of government services and facilities
- (6) Ensure that development and resource decisions are sustainable not only for the current residents of Ennis but for future residents and generations
- (7) Preserve the viability of Ennis as a location to conserve and enhance the value of the investments of the people living and/or investing in Ennis
- (8) Promote the economic stability of existing and compatible land uses that are consistent with the comprehensive plan and protect them from intrusions by incompatible land uses
- (9) Encourage the conservation of energy by encouraging the use of products and materials that maximize energy efficiency

#### **1.5.2 Reasonable Consideration**

This ordinance is drawn with reasonable and able consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular structural designs and uses, and with a view to conserving the value of buildings and property and encouraging the most appropriate structural designs and uses of land throughout the City of Ennis.

## 1.6 RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Ennis City Commission intends for this ordinance to implement the planning policies in the Comprehensive Plan and other adopted plans and policies. While the City Commission reaffirms its commitment that this ordinance be in conformity with the Comprehensive Plan and adopted planning policies, the City Commission hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

## 1.7 TRANSITIONAL PROVISIONS

### 1.7.1 Continuity of Provisions

This section is intended to clarify the status of properties with pending applications, recent approvals, or outstanding violations, as those terms are used below, at the time of the adoption of this ordinance.

- (1) **Violations Continue:** Any violation of the previous zoning and subdivision regulations will continue to be a violation under this ordinance and be subject to penalties and enforcement under **Article III: Review Procedures**, unless the use, development, construction, or other activity complies with the provisions of this ordinance. The enactment of this ordinance shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of a previously existing ordinance occurring before the effective date of this ordinance.
- (2) **Legal Nonconformities under Prior Regulations:** Any legal nonconformity under the previous zoning and subdivision regulations will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Ordinance continues to exist. If a nonconformity under the previous zoning and subdivision regulations becomes conforming because of the adoption of this Ordinance, then the situation will no longer be a nonconformity.
- (3) **Uses, Lots, Structures, and Sites Rendered Nonconforming**
  - (a) When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance and this Ordinance no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled under the provisions of **Article X: Non-Conformities**.
  - (b) Where any building, structure, lot, or development site that legally existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, lot, or site shall be considered nonconforming and shall be controlled under the provisions of **Article X: Non-Conformities**.
- (4) **Pending Applications**
  - (a) Any complete application subject to Texas Local Government Code § 245 that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the regulations in effect on the date the application was deemed complete unless the applicant requests otherwise pursuant to paragraph (b)

below. If the applicant fails to comply with any applicable time-frame for re-submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this ordinance. If no procedural re-submittal or application period is specifically set forth in the relevant provision, any application that requires action from the applicant shall be deemed expired if the applicant has failed to act within 10 days of the date the action was required.

- (b) An applicant with a complete application subject to Texas Local Government Code § 245 that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this ordinance, may request review under this ordinance.

(5) Approved Applications

- (a) Preliminary Plat Approvals: An application for which approval of a preliminary subdivision plat was granted prior to the adoption date of this Ordinance shall be considered as having received preliminary plat approval under the ordinance in effect on the date the application was approved unless the applicant requests approval under this ordinance. Preliminary approvals granted under the previous regulations shall be valid for one year from the date of approval. Failure to obtain a final plat approval within the time allotted shall result in the expiration of the preliminary plat and shall cause the submission of another preliminary plat that complies with the requirements of this ordinance. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for further subdivision into tracts, lots, or building sites, the further subdivision shall comply with all provisions of this ordinance unless the further subdivision complies with the originally approved preliminary plat.
- (b) Final Plat Approvals: Final plats which require construction of public improvements shall be deemed to have expired if construction of the public improvements has not been accepted by the city within 2 years of the approved date.
- (c) Any use permits, site plans, building permits, variances, and Planned Development Districts that are valid on the effective date of this ordinance shall remain valid until their expiration date (if any). Projects with valid approvals or permits shall be completed pursuant to the development standards in effect at the time of approval or in the case of Planned Developments, pursuant to the standards in the Planned Development District ordinance at the time it was approved. If the Planned Development regulations do not contain or are silent to certain standards, then the standards of this ordinance shall apply. If the approval or permit expires, future development shall comply with the requirements of this ordinance.

(6) Conversion to New Zoning Districts:

Upon the effective date of this ordinance, land that is zoned with a zoning district classification from the previous zoning regulations shall be re-classified or converted to one of the new zoning district classifications set forth in this ordinance. **Table 1.7-1: Zoning District Conversions**, summarizes the conversion or re-classification of the zoning districts in the previous zoning regulations to the new zoning districts pursuant to this ordinance.

(7) Zoning Map Interpretations:

Questions or disputes regarding zoning designations on the City of Ennis Zoning Map resulting from adoption of this new ordinance shall be submitted in writing along with the



applicable fee to the Administrator for written interpretation.

Table 1.7-1: Zoning District Conversions	
Old Zoning Categories	New Zoning District Classifications
<b>Residential Districts</b>	
A Agricultural	A Agricultural
T Transition	
R-1	RE Residential Estate
R-16	R-10
R-10	
R-5	R-7
	R-5
-	NC Neighborhood Conservation
D Duplex	D Duplex
TH Townhome	TH Townhome
A-1	MF-1
A-2	
A-3	MF-2
A-4	-
MH Mobile Home	MH Manufactured Home
D-PD Planned Residential Development	
A-2 PD Planned Residential Development	
A-3 PD Planned Residential Development	PD Planned Development District
<b>Non-Residential Districts</b>	
<b>Office and Retail</b>	
O Office	
LR Local Retail	
GR General Retail	
-	C Neighborhood Commercial
C Commercial	BP Business Park
HC Heavy Commercial	
Any Commercial with a PD designation	CC Corridor Commercial
<b>Public/Institutional Districts</b>	
	I Institutional
I Institutional	
<b>Industrial</b>	IC Institutional and Civic
	PP Public and Parks
LI Light Industrial	
I Industrial	
M-1 Light Manufacturing	L-IM Light Industrial and Manufacturing
M-2 Manufacturing	
Industrial District with a PD designation	H-IM Heavy Industrial and Manufacturing

Table 1.7-1: Zoning District Conversions	
Old Zoning Categories	New Zoning District Classifications
Special Districts	H-IM Heavy Industrial and Manufacturing
CA Central Area	
-	PD Planned Development District
-	KC Kaufman Corridor District
LLR Local Lakeside Retail	RMU Regional Mixed Use District
BP Business Park Overlay	-
PC Private Club	-
Overlay Districts	-
New Overlay Districts	
-	Neighborhood Historic Overlay District
-	HD Historic Downtown Overlay District

## 1.8 MINIMUM REQUIREMENTS

This ordinance establishes minimum requirements for the establishment of public health, safety, and welfare.

## 1.9 CONFLICTING PROVISIONS

### 1.9.1 Harmonious Development

The City of Ennis intends that all provisions of this ordinance be construed harmoniously. When two or more provisions of this ordinance may appear to be in conflict, the Administrator shall construe such provisions in such a manner, if possible, as to give effect to both by harmonizing them with each other. In cases of conflict, the Administrator shall make an interpretation as to which provision governs.

### 1.9.2 Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This ordinance is intended to complement other city, state, and federal regulations that affect land use. This ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as long as the City of Ennis is not preempted by such laws, as determined by the Administrator, shall govern.

### 1.9.3 Conflict with Agreements between Private Parties

This ordinance is not intended to revoke or repeal any easement, covenant, or other agreements between private parties. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other agreements between private parties, then the requirements of this

ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this ordinance. In no case shall the City of Ennis be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, unless the city is a party to such agreements and only if the city decides, in its sole discretion, to pursue enforcement action.

## **1.10 SEVERABILITY**

### **1.10.1 Generally**

It is expressly declared that this ordinance and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more portions of this ordinance is declared invalid or unconstitutional.

- (1) If any section, subsection, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this ordinance shall not be affected.
- (2) If any court of competent jurisdiction invalidates the application of any provision of this ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- (3) If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

**CITY OF ENNIS, TEXAS  
UNIFIED DEVELOPMENT ORDINANCE  
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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.

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Article III – Review Procedures

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**CITY OF ENNIS, TEXAS**  
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**Article III – Review Procedures**

### 3.1 SUMMARY OF REVIEW PROCEDURES

The following table (Table 3.1-1) summarizes the major procedures for review of applications for land use and development activity. Not all procedures addressed in this chapter are summarized in this table; see the subsequent sections of this chapter for additional details on each procedure.

<b>Table 3.1-1: Summary of Common Review Procedures</b> (Shaded row = Public Hearing required)							
Major Application Types	Pre- Application Meeting X= Mandatory O = Optional	Administrator	Historic Landmarks Commission	Planning and Zoning Commission (or other)	Zoning Board of Adjustment	City Commission	Section Reference
		R = Review/Recommendation    F = Final Action    A = Appeal					
<b>POLICY RELATED APPLICATIONS</b>							
Amendment to the UDO Zoning Text (Art. I, II, III, IV, and V only)	O	R		R		F	Sec. 3.3.1
Amendment to the UDO Text (Non-Zoning Related Articles)	O	R				F	Sec. 3.3.2
Zoning Map Amendment (rezoning)	O	R		R		F	Sec. 3.3.1
Concept Plan	X	R		R		F	Sec. 3.3.4
Type II Development Plan	X	R		R		F	Sec. 3.3.6
Special Use Permit	O	R		R		F	Sec. 3.3.3
Type II Site Plan	X	R		R		F	Sec. 3.3.6
<b>DEVELOPMENT RELATED APPLICATIONS AND PERMITS</b>							
Type I Development Plan	X	F		A		A	Sec. 3.3.5
Type I Site Plan	O/X <sup>1</sup>	F		A		A	Sec. 3.3.5
<b>HISTORIC PRESERVATION PROCEDURES</b>							
Historic Overlay or Landmark Designation	X	R	R			F	Sec. 3.3.7
Certificate of Appropriateness (COA)	X	F	A			A	Sec. 3.3.8
Appeal of Administrative Decision on COA	X	R	F			A	Sec. 3.3.8 and 3.3.10
Demolition or Relocation Permit of a Historic Building	X	R	F			A	Sec. 3.3.9
<b>FLEXIBILITY AND RELIEF PROCEDURES</b>							
Zoning Variance and Appeals	O	R			F		Sec. 3.3.10
Administrative Modification	O	F		A		A	Sec. 3.3.11
<b>SUBDIVISION</b>							
Preliminary Plat	X	R		F		A	Sec. 3.3.12
Final Plat	O	R		F		A	Sec. 3.3.13
Minor Plat	O	F		A			Sec. 3.3.14
Replat	O	R		F		A	Sec. 3.3.15
Amending Plat	O	F		A			Sec. 3.3.16
Plat Vacation	O	R		F		A	Sec.3.3.17

<sup>1</sup> Pre-applications required for Site Plans in the PD and Regional Mixed Use districts.

## 3.2 COMMON REVIEW PROCEDURES

### 3.2.1 Applicability

This section describes the procedural elements common to all applications (see Figure 3.2-1). Additional procedures that apply to specific applications are provided in Section 3.3, Specific Review Procedures. Generally, the procedures for all applications have eight common elements:

- (1) Pre-application meeting (as required or optional in Table 3.1-1)
- (2) Submitting all information required for a complete application, including required fee payments
- (3) Determination of completeness
- (4) Review of the application by appropriate staff, agencies, and boards
- (5) Notice
- (6) Action to approve, approve with conditions, or deny the application
- (7) Appeals, if any
- (8) Actions authorized by the permit and the time period for exercising rights under the order or permit

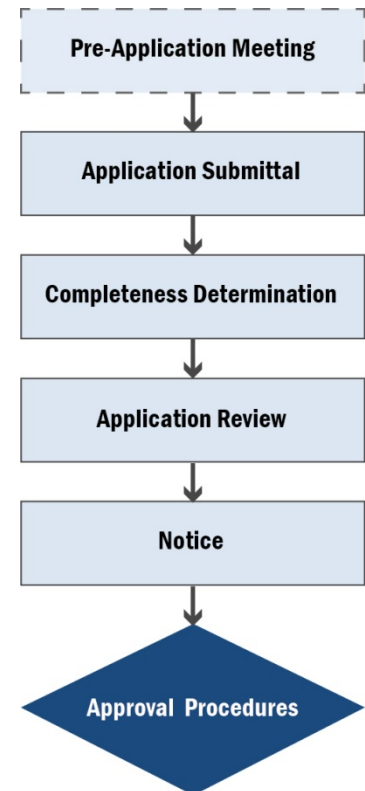


Figure 3.2-1 General Review Procedures

### 3.2.2 Compliance with State and Federal Law

All procedures and requirements for approvals under this UDO shall comply with the Texas Local Government Code and other applicable state or federal laws, rules, or regulations. If these requirements conflict with the Texas Local Government Code, the Texas Local Government Code requirements control.

### 3.2.3 Pre-Application Meeting

- (1) **PURPOSE:** The purpose of the pre-application meeting is to provide an opportunity for an informal evaluation of an applicant's proposal and for the applicant to become familiar with the City of Ennis' submittal requirements, development standards, and approval criteria. The Administrator or designee may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body. This provides an opportunity to address any major issues before the applicant and the city spend substantial time and expense on the application.
- (2) **APPLICABILITY:** A pre-application meeting is required prior to certain types of applications, as listed in Table 3.1-1 and Section 3.3, Specific Review Procedures. Applications for these types of approvals may not be accepted until a pre-application meeting is completed.
- (3) **MEETING PROCESS:** City staff shall coordinate with the applicant and facilitate the meeting, including scheduling the time and location of the meeting. At the meeting, city staff may:

- (a) Determine the required application(s) and the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially)
  - (b) Provide the applicant with application materials and inform the applicant of submittal requirements and procedures
  - (c) Provide the applicant with an estimated time frame for the review process
  - (d) Based on a conceptual plan of the proposal (if required), generally discuss compliance with the ordinance's zoning, use, density, and design and development standards, and attempt to identify any potentially significant issues regarding compliance
  - (e) Refer the applicant to other departments or agencies to discuss any potential significant issues prior to application submittal
  - (f) Consider or answer questions by the applicant relating to the application process, the standards established in this Ordinance, required documents, fees, and any other inquiries relating to the application
- (4) Applicants are advised that the meeting should take place prior to any substantial investment in time or resources, such as a land acquisition for a proposed development, site and engineering design, or the preparation of other data.
  - (5) The informal evaluation and recommendations provided by the staff during a pre-application meeting shall not be considered binding upon the applicant or the city.

#### **3.2.4 Application Submittal and Completeness Determination**

- (1) **APPLICABILITY:** This section applies to any application that is subject to this Ordinance.
- (2) **APPLICATION MATERIALS:** The applicant shall submit to the Administrator all of the information required in the application packet, along with any information identified in any pre-application meeting and all required information stated elsewhere in this Ordinance for the type of application.
  - (a) No application is complete unless all of the information required by Section 3.3, Specific Review Procedures, and any application materials required by the Administrator are included, and all required application fees are paid. An application is not considered filed until it is complete. The Administrator may allow the applicant to submit any required information later in the review process in order to complete final action on the application.
  - (b) The applicant shall file an application in advance of any required public hearing or public meeting where the application is considered. The Administrator may establish a schedule for filing and reviewing any application that requires action by the City Commission, Planning and Zoning Commission (P&Z), Historic Landmarks Commission (HLC), Zoning Board of Adjustment (ZBA), or Administrator. The schedule shall provide adequate time for review, notice and/or publication consistent with the applicable Statutes and this Ordinance. Completed applications shall be filed according to any published schedule.
- (3) **COMPLETENESS DETERMINATION:**
  - (a) The Administrator shall make a determination of application completeness within ten (10) business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Ordinance.

- (b) An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, this Ordinance, by the Administrator, and is accompanied by the applicable fee.
- (c) If the application is determined to be incomplete, the Administrator shall provide notice to the applicant that includes an explanation of the application deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a new application.
- (d) If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.
- (e) Whenever this Ordinance establishes a time period for processing an application, the time period does not begin until the Administrator has reviewed the application for completeness and, if necessary, the applicant has corrected all deficiencies in the application.

### 3.2.5 Application Review

- (1) Following a determination that an application is complete; the Administrator shall circulate the application to staff and appropriate city departments and other entities for review.
- (2) In addition to the reviews summarized in **Table 3.1-1**, the Administrator may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this Article.
- (3) The Administrator may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant shall have an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Administrator.
- (4) If a public hearing is required for an application, the Administrator shall prepare a staff report once written comments have been adequately addressed according to the Administrator. The staff report shall be made available to the applicant and to the public prior to the scheduled public hearing on the application. The staff report shall indicate whether, in the opinion of the Administrator, the application complies with all applicable standards of this Ordinance.
- (5) Specific to all Plat Applications:
  - (a) Upon receipt of an application, the Administrator will conduct a Completeness Determination as outlined in Section 3.2.4 within 10 days of the initial application and formally notify the applicant. No plat shall be considered by the decision-making authority, as applicable, until it has been determined that the submittal is complete and in conformance with the requirements of this Ordinance.
  - (b) For the purpose of this Ordinance, the date on which all requirements of this Ordinance, and any associated city ordinances have been met, and all applicable fees have been paid shall constitute the official filing date of the plat from which the statutory period requiring formal approval or disapproval of the plat shall commence.
  - (c) For Final Plat and Replat, action shall be taken by the Planning and Zoning Commission within thirty (30) days of the official filing date unless a waiver is signed

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, 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)	✓	✓
Specific Use Permit	✓	✓
Appeal of Administrative Decision on Certificate of Appropriateness	✓	✓
Demolition or Relocation Permit of a Historic Building	✓	✓
Plat Vacation	✓	✓
Replat – Residential only	✓	✓

- (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



shall comply with the TXLGC and this Ordinance. If these requirements conflict with the TXLGC, then the TXLGC controls.

(1) PUBLIC HEARINGS:

- (a) Staff Report: The Administrator shall submit a written report to the recommending or decision-making authority. The Administrator's report shall include the reports and recommendations of other city departments, as applicable.
- (b) Testimony: Any person may appear at a public hearing and give testimony or submit written materials, either individually or as a representative of an organization.
- (c) Postponement: An applicant may request, but is not entitled to receive, a postponement of the scheduled public hearing. If any publication or notice is provided by the city, the applicant is responsible for any costs or fees associated with the postponement.
- (d) Continuance: The decision-making body may continue a hearing to a specified date, time, and place. Such a date shall be made part of the motion and publicly announced at the public hearing. The Administrator shall ensure that notice of the continuance is posted at least 72 hours before the continued public hearing date in the same manner as originally posted. Publication or property owner notification of the continued date is not required, unless required by state law or recommended by the decision-making body or the Administrator.
- (e) Tabling a Decision: A decision-making body may close a public hearing and table the decision. The decision to table shall appear on each subsequent agenda unless the decision is deferred to a specific date.
- (f) Discussion and Decision: After consideration of the application, the staff report, and the evidence from the public hearing (as applicable), the decision-making body shall approve, approve with conditions, or deny the application based on the applicable approval criteria.

(2) APPROVAL CRITERIA

- (a) All applications shall comply with all applicable standards in this Ordinance and other adopted city ordinances, all, as amended and conform to design requirements and construction standards as set forth in the most current version of the city's Infrastructure Design Standards.
- (b) The proposed provision and configuration of public improvements shall be adequate to serve the development and conform to the city's adopted master plans.
- (c) All applications shall comply with any applicable federal or State relevant jurisdictions' regulations. This includes, but is not limited to, Department of Transportation (DOT), US Army Corps of Engineers, wetlands, water quality, erosion control, and wastewater regulations.
- (d) All applications shall comply with any adopted or approved interlocal agreements with Ellis County or other affected public entities and Municipal Utility District (MUD) agreements.
- (e) The City Commission may impose conditions reasonably calculated to achieve or maintain compliance with all applicable criteria.
- (f) The City Commission may incorporate or require, as part of a condition of approval, a written agreement between the applicant and the city that enforces the

conditions.

- (g) The application shall also be generally consistent with the Comprehensive Plan and any adopted policy document.

### **3.2.8 Withdrawal and Reapplication**

#### **(1) GENERALLY**

- (a) An applicant may withdraw an application, without prejudice, at any time, before it is placed on the agenda of a public hearing or meeting. Once an item has been placed on any agenda it may be withdrawn only upon approval of the board or City Commission.
- (b) The applicant shall submit a written withdrawal request to the Administrator.
- (c) After it is withdrawn, the city shall not take further action on the application.
- (d) To re-initiate review, the applicant shall submit a new application and fee.

#### **(2) REAPPLICATION**

- (a) When an application submitted pursuant to this Ordinance is denied, no new application for the same or substantially the same request, as determined by the Administrator, shall be submitted or accepted within one year of the date of the denial unless:
  - i. The Administrator determines that the resubmitted application corrects any deficiencies identified in the original application
  - ii. Resubmittal of the application complies with applicable Texas law
- (b) Resubmittals are subject to all processing fees, submittal requirements, and review standards in effect at the time the resubmittal is accepted by the Administrator.

### **3.2.9 Modifications**

Unless otherwise provided in this Ordinance for a particular type of application, any modifications of approved plans, permits, or conditions of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

### **3.2.10 Expirations**

- (1) Where applicable, the lapse of approval time frames established by this Ordinance, due to inactivity on the project, may, but is not required to be extended no more than twice in one-year increments by the Administrator only when all of the following conditions exist:
  - (a) An extension request shall be filed prior to the applicable lapse-of-approval deadline.
  - (b) The extension request must be in writing and include reasonable justification evidencing extraordinary circumstances.
  - (c) No requirements or standards of this Ordinance have been significantly altered as to affect the original approval.
- (2) Any extension beyond the two increments of one-year each may only be granted by the decision-making body that granted the original approval.

### 3.3 SPECIFIC REVIEW PROCEDURES

#### 3.3.1 Zoning Map Amendment (Rezoning) and Zoning UDO Text Amendment

- (1) **APPLICABILITY AND JURISDICTION:** All zoning map amendment (rezoning) and zoning related UDO text amendments require a public review process that includes public hearings at the P&Z and City Commission. The City Commission shall be the final authority for approval of these applications after a recommendation by the P&Z. The procedures for all zoning map amendment (rezoning) and UDO text amendment applications shall be as follows (see Figure 3.3-1)
- (2) **PRE-APPLICATION MEETING:** per Section 3.2.3. Any of the following parties may initiate a policy related application request:
  - (a) The City Commission on its own motion, or on petition of an interested property owner
  - (b) The Administrator
- (3) Application Submittal per Section 3.2.4
- (4) Completeness Determination per Section 3.2.4
- (5) Application Review per Section 3.2.5
- (6) Notice procedures for the type of application per Section 3.2.6 (see Table 3.2-1)
- (7) **Approval Procedure:**
  - (a) **Planning and Zoning Commission Action:** The P&Z shall hold a public hearing on any zoning change or policy related application. The Commission shall forward a report that may recommend approval, approval with conditions, or denial, of the application and forward it to the City Commission.
  - (b) **Action by City Commission:** The City Commission has final authority to approve, approve with conditions, or deny any proposed zoning change or policy related application request.
- (8) **Additional Review and Approval Criteria:** Table 3.3-1 shall establish additional review and approval criteria for the Administrator, the P&Z and City Commission for different policy related applications.

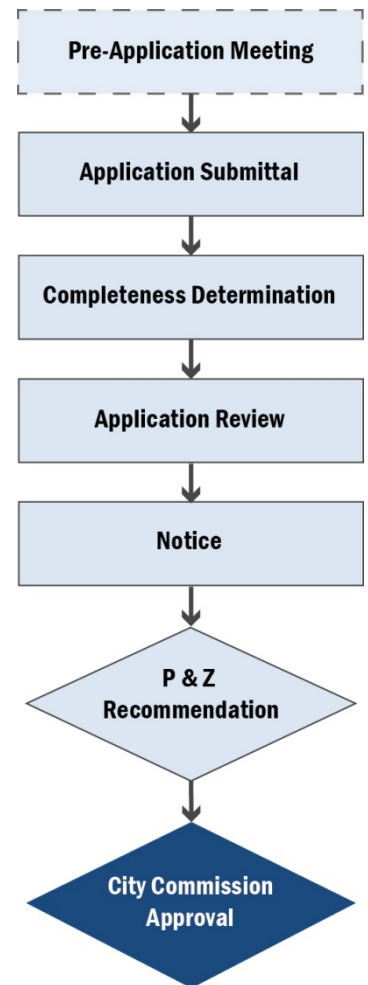


Figure 3.3-1: Zoning Change and Zoning Text Amendment Procedures

Table 3.3-1: Additional Standards and Criteria for Policy Related Applications	
Application	Additional Review Standards & Approval Criteria
<b>UDO Zoning Text Amendment</b>	<p><b><i>Planning and Zoning Commission and City Commission Criteria</i></b></p> <ul style="list-style-type: none"> <li>i. Any of the general approval criteria in Section 3.2.7 (2).</li> <li>ii. Whether the proposed amendment is supported by sound planning principles.</li> <li>iii. Whether the proposed amendments implement specific policies in the city’s adopted Comprehensive Plan.</li> <li>iv. Whether the amendment promotes the public health, safety, &amp; welfare.</li> <li>v. Whether the amendment corrects an error or omission made when this Ordinance was adopted or last amended.</li> <li>vi. Whether the amendment is otherwise in the best interest of the city</li> <li>vii. Any other factors required or allowed by Texas law</li> </ul>
<b>Zoning Change</b>	<p><b><i>Planning and Zoning Commission and City Commission Criteria</i></b></p> <ul style="list-style-type: none"> <li>i. As a legislative decision, the decision of a zoning change is subject to the City Commission’s discretion. The P&amp;Z and City Commission may consider any or all of the following factors, along with any other relevant facts or circumstances:               <ul style="list-style-type: none"> <li>a. The Comprehensive Plan and other adopted plans</li> <li>b. The character of the surrounding neighborhood</li> <li>c. Any other factors required or allowed by Texas law and case law</li> </ul> </li> <li>ii. Protest Petition: In the case of a valid protest petition the rules covering protest petitions in the Texas Local Government Code Chapter 211 shall apply. The Administrator may prescribe the forms to be used for protest petitions.</li> <li>iii. A Concept Plan shall be required with any zoning change request to either the RMU Regional Mixed Use or PD Planned Development Districts.</li> </ul>

### 3.3.2 UDO Text Amendments (Non-Zoning Related)

- (1) **APPLICABILITY AND JURISDICTION:** All non-zoning related UDO text amendments require a public review process that includes a decision by the City Commission. The City Commission shall be the final authority for approval of these applications. The procedures for all UDO text amendment applications shall be as follows (See Figure 3.3-2):
- (2) Pre-application meeting per Section 3.2.3 (optional).
- (3) **Initiation:** Any of the following parties may initiate a policy related application request:
  - (a) The City Commission on its own motion, or on petition of an interested property owner
  - (b) The Administrator
- (4) Application submittal per Section 3.2.4
- (5) Completeness Determination per Section 3.2.4
- (6) Application Review per Section 3.2.5
- (7) Notice procedures for the type of policy application per Section 3.2.6 (see Table 3.2-1)
- (8) **Approval Procedure:** The City Commission shall hold a public hearing on any text amendment to the UDO related to non-zoning Articles. The City Commission shall have final authority to approve, approve with conditions, or deny any proposed UDO text amendment request.
- (9) **Additional Review and Approval Criteria:** Table 3.3-1 shall establish additional review and approval criteria, as applicable, for the Administrator and City Commission for any UDO Text Amendments related to non-zoning elements.

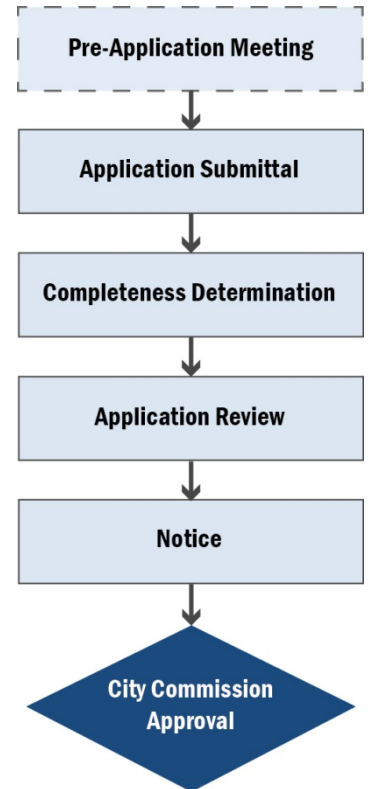


Figure 3.3-2: UDO Text Amendment Procedures (Non-Zoning Related)

**3.3.3 Special Use Permit (SUP)**

- (1) **PURPOSE AND INTENT:** The Specific Use Permit (SUP) provides a means to develop certain uses in a manner that is compatible with adjacent property and consistent with the character of the neighborhood or district.
- (2) **APPLICABILITY:** The City Commission may grant, repeal, or amend Specific Use Permits (SUP’s) for certain uses, but only where specified in **Article V Use Standards** of this Ordinance. Approval of an SUP occurs by ordinance.
- (3) **PROCEDURES:** All SUP applications shall follow a public review process that includes public hearings at the P&Z and City Commission. The City Commission shall be the final authority for approval of these applications after a recommendation by the P&Z. The procedures for all SUP applications shall be as follows (see Figure 3.3-3):
  - (a) **Initiation:** Any of the following parties can initiate an SUP request:
    - i. An interested property owner
- (4) **PRE-APPLICATION MEETING:** In addition to the procedures established in Section 3.2.3, at a pre-application meeting with staff, the applicant shall provide a preliminary Site Plan, which shall include, at a minimum:
  - (a) Details of the SUP request
  - (b) Location of buildings and other site improvements that include parking, landscaping, lighting, fencing and any other elements on the site
  - (c) Elevations and architectural drawings of the buildings and site improvements
  - (d) Justification or narrative on how the SUP application meets the review and approval criteria for SUPs
  - (e) Any other information that is relevant to the application or that may be requested by the Administrator
- (5) **APPLICATION SUBMITTAL:** per Section 3.2.4
- (6) **COMPLETENESS DETERMINATION:** per Section 3.2.4
- (7) **APPLICATION REVIEW:** per Section 3.2.5 and criteria in this Section
- (8) **NOTICE:** Published and written notice required. See Section 3.2.6 and Table 3.2-1
- (9) **APPROVAL**
  - (a) **Planning and Zoning Commission Action:** The P&Z shall hold a public hearing and make a recommendation to the City Commission. The P&Z shall forward its recommendation to approve, approve with conditions, or deny the application to the City Commission. If a recommendation cannot be made, the P&Z shall submit a Report documenting their explanation.
  - (b) **City Commission Action:**
    - i. The City Commission shall hold a public hearing and approve, approve with conditions, deny, or remand the application.

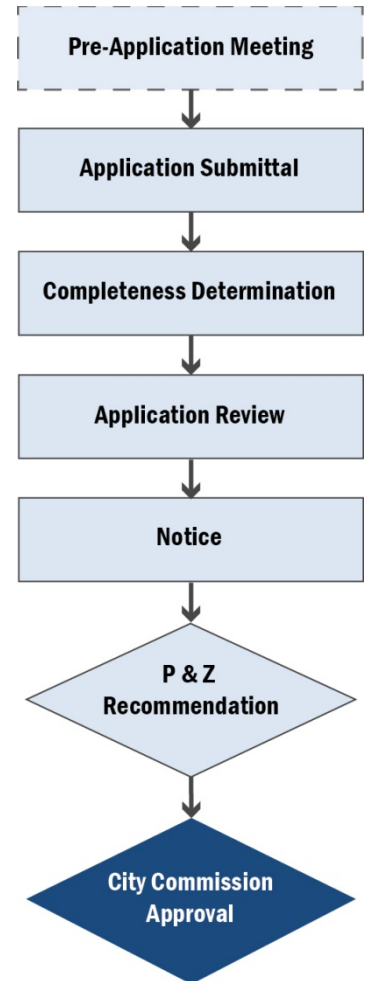


Figure 3.3-3: Specific Use Permit Review Procedures

- ii. The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
  - iii. The City Commission shall approve an SUP by ordinance. The ordinance may approve more than one specific use. The City Commission may approve or deny all or part of the uses requested in the SUP application.
- (c) Review and Approval Criteria: In addition to the general criteria in Section 3.2.7 (2), the P&Z and City Commission shall base their decision on their findings of the extent to which the proposed use:
- i. Meets the purpose of the zone district in which it will be located and all of the criteria and regulations specified for such use in that zone district, including but not limited to height, setbacks and lot coverage.
  - ii. Complements or is compatible with the surrounding uses, character and community facilities.
  - iii. Adequately mitigates traffic impacts.
  - iv. Contributes to, enhances, and promotes the welfare of the area and adjacent properties.
  - v. Is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future.
  - vi. Mitigates any adverse impacts due to access, parking, service areas, and traffic on adjoining properties and the street network in an adequate manner.
  - vii. An ordinance approving an SUP may impose development standards and safeguards over and above those contained in the corresponding zoning district regulations. The City Commission may, in the interest of the public welfare and to ensure compliance with this Ordinance, establish reasonable conditions on the operation, location, arrangement, type, character, and manner of construction of any use for which an SUP is authorized. Consideration is given based on the existing and planned conditions and location with regard to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.

### 3.3.4 Concept Plan

- (1) **PURPOSE AND INTENT:** The purpose of a Concept Plan is to allow opportunity for the P&Z and City Commission to preview various development-related aspects of a project, including proposed major street patterns; land use and development patterns and trends; environmental issues and constraints; development character and design standards; conformance to the Comprehensive Plan and other adopted plans, the zoning district or PD regulations, the UDO, and other applicable plans and guidelines; and the property's relationship to adjoining areas. Review of a Concept Plan also assists the city in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.
- (2) **APPLICABILITY:** Submission and approval of a Concept Plan is the first step in the approval process for all development within the RMU Regional Mixed Use and PD Planned Development Districts.
- (3) **MINIMUM ACREAGE REQUIRED:**
  - (a) All applications for new Concept Plans shall include a minimum acreage of 20 acres for RMU Districts.
  - (b) Any amendments to Concept Plans beyond administrative modifications shall be brought back through the public process for the entire acreage included in the originally approved Concept Plan.
  - (c) Minimum acreage for any additions to previously approved Concept Plans shall be 5 acres within the RMU District. The additional acreage shall be contiguous with the originally approved Concept Plan.
- (4) **REVIEW PROCEDURES:** All Concept Plans shall follow a public review process that includes public hearings at the P&Z and City Commission. The City Commission shall be the final authority for approval of these applications after a recommendation by the P&Z. The procedures for all Concept Plan applications shall be as follows (see Figure 3.3-4):
  - (a) **Pre-application Meeting:** In addition to the procedures established in Section 3.2.3, at a pre-application meeting with staff, the potential applicant shall provide a preliminary conceptual plan, which shall include, at minimum:
    - i. Proposed uses within the district (based on the zoning district standards) and their location
    - ii. Number and type of dwelling units, as applicable
    - iii. Square footage and heights of proposed nonresidential uses, as applicable
    - iv. Proposed parking capacity and configuration
    - v. Conceptual drawings of proposed structures, internal circulation systems, street and block layout of the development, and such other site information

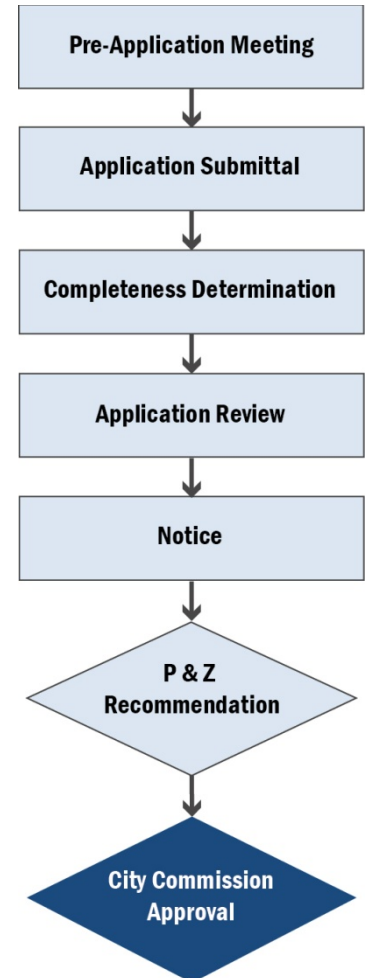


Figure 3.3-4: Concept Plan Review Procedures



- as may be required by the city
- vi. 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.) and any other information required by the Administrator
- (b) Application Submittal: A Concept Plan application shall include the following:
- i. A statement indicating the ownership of all interest in the property included in the Concept Plan, with the written consent of all owners.
  - ii. A master plan indicating the broad concept of the proposed development, its conformance to the zoning district standards, any sub-districts, the location of different land uses and the location of major streets, blocks, or other area devoted to each use. The Concept Plan may show the area proposed to be subdivided and platted as allowed for in this Ordinance. The plan shall indicate:
    - 1. Generally, where each type of use will be located in the development and the total acreage devoted to each use. Label proposed uses on the plan appropriately.
    - 2. Major internal circulation systems, locations of roadways, locations of trails, trail amenities, bicycle paths, etc.
    - 3. Areas designated for residential uses shall indicate the maximum number of dwelling units per gross acre to be permitted for each residential area proposed including sizes of building lots and types of dwelling units anticipated.
    - 4. Acreage and location of any open space, civic spaces and school sites including whether each open/civic space will be privately owned (common area for residents only) or dedicated to public use.
    - 5. A parking demand analysis for the mix of uses proposed to support the on-street and off-street parking proposed in the development.
    - 6. Illustrations depicting the general development character of the project including architectural renderings and elevations.
    - 7. Provision for public (water, sewer, storm water) and private utilities (telecommunications, natural gas, electric) as required by other articles in this Ordinance, adopted master plans and the most current version of the city's Infrastructure Design Standards.
  - iii. In the case of Concept Plan for a PD, if the applicant is proposing to create different development standards than the ones specified in this Ordinance, in addition to the above standards, the application shall include:
    - 1. Development standards and other restrictions proposed by the applicant to be applied to each sub-district or proposed use or specific area similar to standards in the zoning districts contained in this Ordinance including: building setbacks, height limits, access requirements and grade or slope restrictions, special provisions addressing sensitive areas, parking requirements, landscape requirements, architectural design standards, street graphic regulations, impervious surface and floor area ratios.
    - 2. Demonstrate through written explanation and graphic material, how the character of the development as a result of the modified standards will be

- superior in terms of mixed use, walkability, and landscape quality to that produced by the existing standards. Graphic material shall include building elevations, renderings, and sketches to illustrate development character and quality.
3. Graphic illustrations and written explanations of how the revised PD addresses the specific constraints and opportunities of the site and surrounding area in a superior manner to what might be accomplished without the PD standards.
    - iv. A regional location map showing the relationship of the site to connecting roadways, public utilities and adjoining land uses.
    - v. A site map illustrating site boundaries, acreage, any existing structures and existing zoning.
    - vi. A site topographic map showing any steep slopes (slopes over 10% grade at an appropriate scale), major vegetation elements, streams, rivers, ditches, and areas subject to one- hundred-year flooding.
    - vii. A non-binding development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the development is anticipated to begin and be completed.
    - viii. Copies of any special private covenants, conditions and restrictions which will govern any use or occupancy within the development. The applicant may also impose additional covenants, conditions, and restrictions on any particular area during the subdivision process.
    - ix. Evidence that the development has been designed with consideration of the site's natural environment and the surrounding area and does not unreasonably impact wildlife, natural vegetation, or unique natural or historic features.
    - x. A daily and peak hour trip generation and directional distribution report (traffic impact analysis) by use unless the City Manager or his designee finds that the traffic to be generated by the proposed district does not warrant the preparation and submission of a study or agrees to an alternative methodology that is acceptable to the city and applicant.
    - xi. The applicant may submit any other information or exhibits which he/she deems pertinent to the evaluation of the proposed Concept Plan.
- (5) **COMPLETENESS DETERMINATION:** A Concept Plan application requires the submission of a complete Concept Plan described in Section 3.3.4 (4)(b) above, information outlined in Section 3.2.4, and a completed application form provided by the Zoning Administrator. The Administrator shall make a completeness determination within 14 days of the date of the Submittal.
- (6) **APPLICATION REVIEW:** Per Section 3.2.5, Section 3.3.4 (4)(b) and based on the extent to which the application meets the recommendations in the Comprehensive Plan and the specific zoning district purpose.
- (7) **NOTICE:** Notice procedures for Concept Plan applications must be completed as described in Section 3.2.6 (see Table 3.2-1).
- (8) **APPROVAL PROCEDURES:**
- (a) **Action by the Planning and Zoning Commission:** The P&Z shall hold a public hearing on any Concept Plan. The Commission shall approve, approve with conditions, or deny the application and forward its report and recommendation

- to the City Commission. If the Concept Plan is submitted with a zoning change application, the public hearing for the Concept Plan may be combined with the public hearing for the zoning change.
- (b) Action by the City Commission: The City Commission has final authority to approve, approve with conditions, or deny any Concept Plan applications.
  - (c) Review and Approval Criteria: General criteria in Section 3.2.7(2) and this Section shall establish the review and approval criteria for the Administrator, the P&Z and City Commission for Concept Plan applications.
    - i. The Concept Plan addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Ordinance and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include but are not limited to: improvements in open space and trail provisions and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; and/or mix of uses or innovative housing types.
    - ii. The development shall have appropriate transitions to the surrounding area, with adequate standards to mitigate any potentially negative impacts.
    - iii. Streets within the development shall provide adequate internal circulation for a variety of modes of transportation as well as connect to the city's overall system to provide a seamless, multi-modal network.
    - iv. Streets shall be designed to create a pleasant walking and biking environment with on- street parking where appropriate and streetscape enhancements.
    - v. Cul-de-sacs shall be prohibited unless natural features such as topography or stream corridors prevent a connection as determined by the Administrator.
    - vi. Stub streets may be required where a street is likely to be extended into adjoining undeveloped property.
    - vii. The Concept Plan shall provide common open space per the requirements of the zoning district standards and adequate in terms of location, accessibility and usability, area and type of the common open space, and in terms of the uses permitted in the development. The development shall ensure optimum preservation of the natural features of the terrain.
    - viii. The Concept Plan demonstrates compliance with all of the requirements of the applicable development regulations. The Concept Plan may not authorize exceptions to the minimum requirements of any applicable development regulation unless the underlying zoning is amended through the zoning change process.
- (9) CONCEPT PLAN APPROVAL: The approved Concept Plan with all the associated exhibits shall be tied to the zoning application to the PD or Regional Mixed Use Districts. The approved PD or Regional Mixed Use zoning, the respective approved Concept Plans, all exhibits, and any associated development agreements together establish the uses permitted, character of the development, and any modifications to the zoning regulations which are applicable through the rezoning process.
- (10) AMENDMENTS TO APPROVED CONCEPT PLANS: Amendments to previously approved concepts plans may be classified as Major or Minor amendments. Table 3.3-2 classifies major and minor amendments.

- (a) Major Amendments: Major amendments to approved Concept Plans shall be reviewed, processed, and approved in the same manner as required for the originally approved Concept Plan, including all notice and citizen participation requirements and recommendation by the P&Z and consideration by City Commission.
- (b) Minor Amendments: Minor amendments to an approved Concept Plan are administrative requests and may be approved, approved with conditions, or denied by the Administrator. A minor amendment may be approved administratively so long as the amendment does not constitute, as determined by the Administrator, a substantial alteration of the fundamental nature and character of the approved Concept Plan. Minor amendments may not alter the terms of applicable development agreements or be contrary to any applicable ordinance. If the Administrator denies the amendment, the applicant may appeal the denial and the amendment shall be treated as a Major Amendment.

Table 3.3-2: Major and Minor Amendments for Concept Plans				
Type of Concept Plan Amendment	Scale of Amendment	Major	Minor	Comments
<b>LAND USES</b>				
Addition of new principal land use currently not allowed in the development	Any request	■		
Change to permitted land uses in any location	Any change that affects overall PD density or intensity	■		
	Any change that does not affect overall PUD density or intensity		■	
Change to use-specific standards for permitted uses	Any change	■		
Shift of residential dwelling units from one phase, parcel, or development unit of the project to another phase, parcel, or development unit, based on total number of residential dwelling units permitted under the approved Concept Plan	>20% shift in dwelling units	■		Considered a major amendment unless the Administrator finds, in writing, that the proposed transfer will have no material impact on the services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units
	10% - 20% shift in dwelling units	■	■	
<b>DENSITY</b>				
Increase in the number of total residential dwelling units	≥5%	■		
	<5%		■	
<b>DEVELOPMENT STANDARDS</b>				
Any change to the alignment of any streets shown on the Concept Plan	≥200' in any direction	■		Any change in street alignment shall still maintain the connectivity to the existing street network and adjoining properties as intended in the originally approved Concept Plan
	<200' in any direction		■	
Any change that results in a decrease of planned or identified parks, trails and/or open space (including any natural areas or undisturbed open space)	≥5%	■		
	<5%		■	
Any change to parking, landscape buffer, setbacks, or building design standards	More than 10% reduction or change of any numerical standard for these elements	■		
	No more than 10% reduction or change of any numerical standard for these elements		■	
<b>GENERAL</b>				
Any other amendment that does not meet a minor modification threshold as listed above or any amendment that is deemed by the Administrator to make such a significant or fundamental change to the originally approved Concept Plan, which in the Administrator's judgment, should be deemed to be a major amendment	All	■		

### 3.3.5 Type I Development Plan and Type I Site Plan

(1) **PURPOSE AND APPLICABILITY:** The purpose of the Development Plan and Site Plan is to ensure compliance with the development and design standards of this Ordinance, approved PDs, Concept Plans, and SUPs prior to the issuance of required permits, and to encourage quality development that reflects the goals and objectives of the comprehensive plan. Development Plans and Site Plans illustrate intended development at different scales and level of detail and they may be approved by the Administrator.

(a) **Development Plans:** A Development Plan shall provide more detail in terms of blocks, lots, building and street layout, open and civic spaces and trails, treatment of transition areas to adjacent uses and similar information for more than one lot or building. A Development Plan shall illustrate the design direction of the site with dimensional standards that provide substantial certainty about the development outcomes, intensity, and phasing of the proposed development. Typically, Development Plans shall include less detail than Site Plans and include a larger area than one lot.

i. For all development in the PD or Regional Mixed Use Districts, an approved Development Plan shall be required prior to a Site Plan application.

ii. Development Plans may include a portion of a property included in an approved Concept Plan by City Commission. The minimum acreage required for a Development Plan shall be either the entire area circumscribed by existing or future streets or within one sub-district or sub-zone of the approved Concept Plan per the standards for the district in **Article IV Zoning Districts**.

(b) **Site Plans:** Site Plans shall be the lot and buildings level plans and shall be required for individual lots and/or buildings prior to Building Permit approval for all uses in all zoning districts except for single-family detached residential uses.

(2) **PRE-APPLICATION MEETING:** Table 3.1-1 shall establish whether pre-application meetings are required or optional. Standards in Section 3.2.3 shall apply to pre-application meetings.

(3) **APPLICATION SUBMITTAL:** In addition to the submittal requirements in Section 3.2.4, the following shall apply:

(a) **Development Plans:** The applicant shall submit to the Administrator all of the information required in the application packet, along with any information identified in the pre-application meeting (if applicable) and all required information stated elsewhere in this Ordinance for Development Plan review. At minimum, the application shall include plans and supporting documents that include the following:

i. A location map showing the property's relative regional location

ii. Details of the site location and dimensions

iii. Existing adjoining land uses, building footprints (if any) and ownership

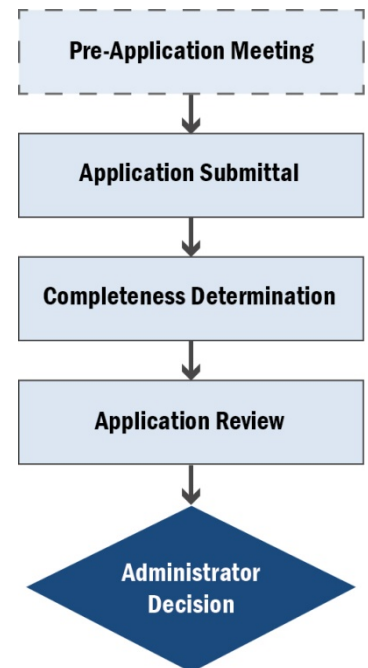


Figure 3.3-5: Type 1 Development Plan and Type 1 Site Plan Procedures

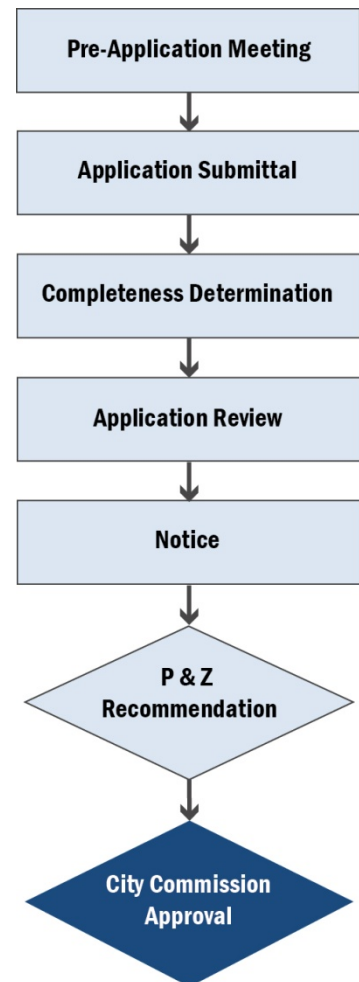
- iv. General layout of the development including proposed street network, connectivity to the city's thoroughfare system, and general location of buildings, parking, sidewalks, trails, open/civic space, drainage facilities and other elements of the built environment
  - v. Compliance with any approved Concept Plan for the property
  - vi. Conceptual elevations showing intended architectural and urban character of different uses and building types
  - vii. Concepts for public and private landscaping, buffering, and screening (if any)
  - viii. Any other information that may be required by the Administrator to help with the decision-making process
- (b) Site Plans: The applicant shall submit to the Administrator all of the information required in the application packet, along with any information identified in the pre-application meeting (if applicable) and all required information stated elsewhere in this Ordinance for an administrative Site Plan review. At minimum, the application shall include plans and supporting documents that include the following:
- i. Location and dimensions of the site relative to adjoining properties and any approved Concept or Development Plans
  - ii. Location of adjoining streets, alleys, and other public improvements
  - iii. Location of all existing and proposed buildings and structures, parking areas, driveways, trails, sidewalks, and exterior signs
  - iv. Location of all proposed landscaping, fencing, buffering, and walls
  - v. Location of all existing and proposed drainage and other public and private utilities (water, sewer, telecommunications, etc.) including new and proposed easements
  - vi. Location of service functions such as garbage collection, loading/unloading facilities, and other utility meters and equipment
  - vii. Building elevations showing compliance with any building design standards (exterior materials, fenestration, entrances, architectural details, articulation, etc.) in this Ordinance or any approved concept and Development Plans
  - viii. Illustrate how the proposed Site Plan meets the requirements of the approved Concept Plan or Development Plan including any administrative modifications with corresponding justifications requested
  - ix. Site data summary including:
    - 1. Total square footage of development by proposed use or number, type, and sizes of dwelling units
    - 2. Lot size and dimensions
    - 3. Setbacks or build to zone/lines and building frontage requirements (if any)
    - 4. Required parking, loading/unloading, and landscaping calculations
    - 5. Calculations of any required open space/sidewalks/trails, lot coverage, or impervious coverage ratios
- (4) COMPLETENESS DETERMINATION: In addition to requirements in Section 3.2.4, the application for an administrative Development or Site Plan shall meet the requirements of this Ordinance or any approved Concept Plan requirements.
- (5) APPLICATION REVIEW: All complete applications for Development Plans and Site Plans shall be reviewed by the Administrator based on the requirements in this Ordinance and/or any approved Concept or Development Plans as applicable.
- (6) ADMINISTRATOR DECISION: All Development and Site Plans that meet the

requirements of this Ordinance and/or any applicable Concept or Development Plans may either be approved or approved with conditions by the Administrator. Any applications for Development Plans or Site Plans that do not meet this Ordinance and/or any approved plans shall be processed as a Type II Development Plan or Type II Site Plan as appropriate.



**3.3.6 Type II Development Plan and Type II Site Plan**

- (1) **PURPOSE AND APPLICABILITY:** The purpose of the Type II Development Plan and Type II Site Plan process is to allow for applications that do not strictly comply with the development and design standards of this Ordinance, approved PDs, Concept Plans, and SUPs. These applications may have specific issues or opportunities that require an alternative set of standards and criteria that must be approved through a zoning change to the underlying district standards.
  - (a) **Type II Development Plan:** A Type II Development Plan application shall provide the same information as a Type I Development Plan application in addition to a revised Concept Plan application that illustrates how the Type II Development Plan impacts the different elements of the approved Concept Plan including any changes to the street network, adjoining sub-districts and other elements of the approved Concept Plan.
  - (b) **Type II Site Plan:** A Type II Site Plan application shall provide the same information as a Type I Site Plan application in addition to a revised Development Plan application that illustrates how the Type II Site Plan impacts the different elements of the approved Development Plan including any changes to the lot and block layout, street alignment, and other elements of the approved Development Plan.
- (2) **PRE-APPLICATION MEETING:** A pre-application meeting shall be required for Type II Development Plans and Type II Site Plans. Standards for pre-application meetings in Section 3.2.3 shall apply to pre-application meetings.
- (3) **APPLICATION SUBMITTAL:** In addition to submittal requirements in Section 3.2.4, the application submittal requirements for the corresponding Type I plan shall apply per Section 3.2.4 (3)(b). In addition, the applicant shall also provide the detailed reason(s) for the request to modify any Concept, Development or Site Plan and how the modification impacts adjoining land uses and street network, especially if the request is for a portion of a previously approved Concept Plan or Development Plan.
- (4) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (5) **APPLICATION REVIEW:** All complete applications for Type II Development Plans and Type II Site Plans shall be reviewed by the Administrator based on the requirements in this Ordinance (Section 3.2.5), justification for modification of any standards, and modifications to any previously approved Concept or Development Plans as applicable.
- (6) **NOTICE:** Published and written notice required. See Section 3.2.6 and Table 3.2-1



**Figure 3.3-6: Type II Development Plan and Type II Site Plan Procedures**

- (7) APPROVAL PROCEDURES:
  - (a) Action by the Planning and Zoning Commission: The P&Z shall hold a public hearing on any Type II Development Plan or Type II Site Plan. The Commission shall approve, approve with conditions, or deny the application and forward its report and recommendation to the City Commission. If the Concept Plan is submitted with a zoning change application, the public hearing for the Concept Plan may be combined with the public hearing for the zoning change.
  - (b) Action by the City Commission: The City Commission has final authority to approve, approve with conditions, or deny, any Type II Development Plan or Type II Site Plan applications.
- (8) REVIEW AND APPROVAL CRITERIA: General criteria in Section 3.2.7(2) and approval criteria for Concept Plans (Section 3.3.4(8)(c)) shall establish the review and approval criteria for the Administrator, the P&Z and City Commission for Type II Development Plans and Type II Site Plans.

### 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

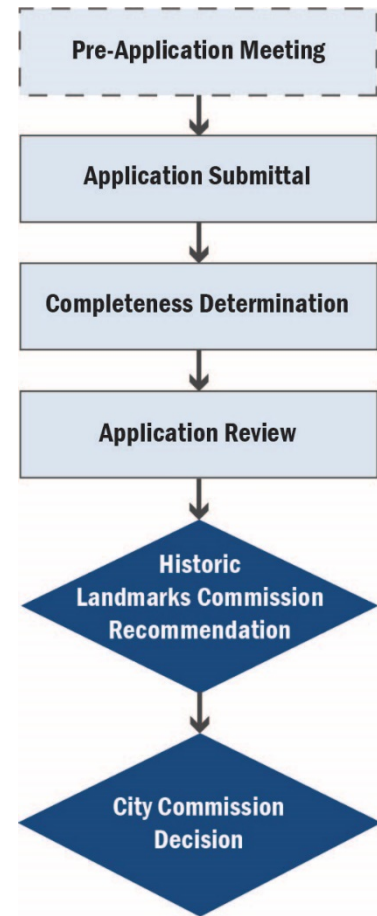


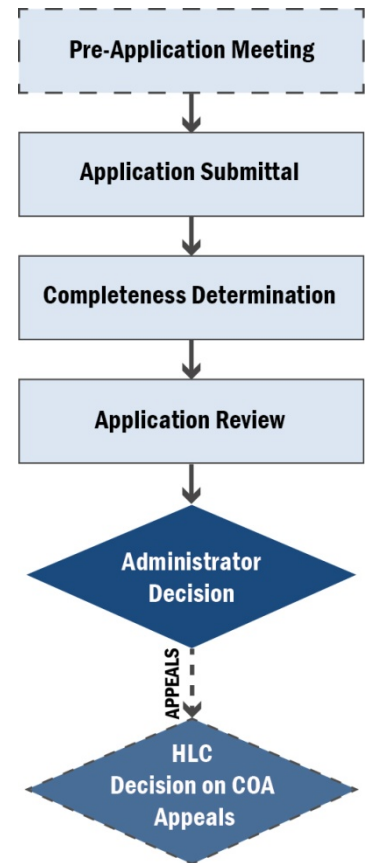
Figure 3.3-7: Local Historic Landmark and Local Historic District Designation Procedures

- 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) 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.
- (9) 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

**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.
- (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
- (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



**Figure 3.3-8: Certificate of Appropriateness Application Review Procedures**

- 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.
  - (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.

### 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.

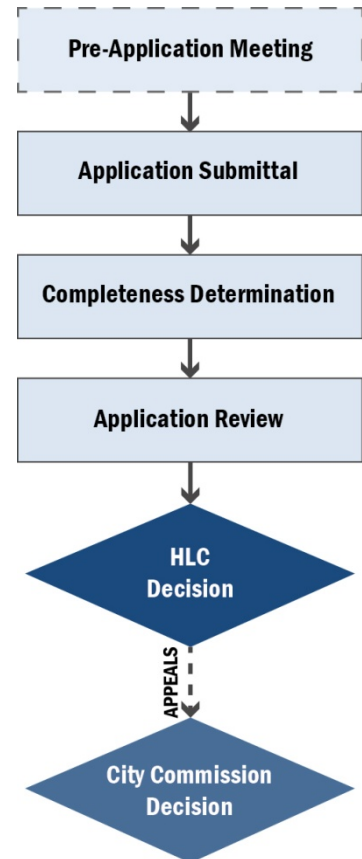


Figure 3.3-9 Certificate of Demolition or Relocation Application Procedures



- (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
- (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.
  - (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.

### 3.3.10 Zoning Variances and Appeals

- (1) **PURPOSE:** This section provides a process to gain relief from the strict application of the zoning provisions of this Ordinance (specifically **Article IV Zoning Districts**) where it is alleged the property cannot reasonably be developed or to appeal a decision of the Administrator.
- (2) **APPLICABILITY:**
  - (a) The ZBA may approve a variance to any provision in this Ordinance, unless the variance is assigned to another body or the Administrator.
  - (b) The ZBA may consider an appeal of any decision of the Administrator under this Ordinance unless otherwise specified in this Ordinance.
- (3) **APPLICATION:**
  - (a) Time limit on appeals to Administrative Decisions:
    - i. An appeal to an Administrative Decision shall be filed with the Board (via the City Secretary) and the official from whom the appeal is sought not later than 14 days after the decision is rendered. Failure to submit an appeal within the 14 days shall bar the ability to appeal the decision.
    - ii. It shall be filed by submitting a notice of appeal that specifies the grounds for the appeal.
- (4) **INITIATION:** Applications for a variance or appeal shall be submitted to the Administrator by the following parties, unless otherwise indicated by this article:
  - i. Any owner of the property subject to the application
  - ii. An agent, representative, lessee, or contract purchaser specifically authorized by the owner to file the application
- (5) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (6) **HEARING PROCEDURES**
  - (a) The ZBA shall review the application and the recommendation of the Administrator and shall conduct a hearing.
  - (b) The hearing shall comply with Texas Local Government Code §211.008 and any rules of procedure adopted by the ZBA.
  - (c) After the hearing is closed, the ZBA shall approve, approve with conditions, or deny the application.
  - (d) The ZBA shall make and keep minutes of its proceedings in compliance with Texas Local Government Code Section 211.008.
- (7) **REVIEW AND APPROVAL CRITERIA:** The ZBA shall not approve a variance unless it finds that all of the following criteria have been met:
  - (a) The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape,

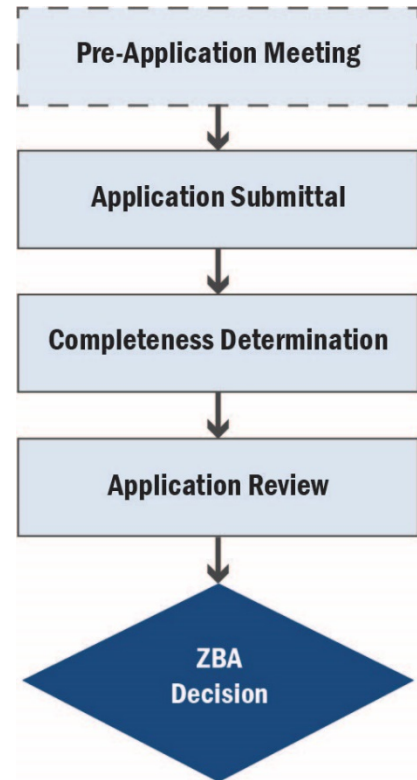


Figure 3.3-10 Zoning Variances and Appeals Procedures

- or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning
- (b) The need for the variance is not self-created
  - (c) The need for the variance is not personal or financial hardship
  - (d) The requested variances does not permit a person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in districts with the same zoning district or to be developed in a manner inconsistent with the rights of properties similarly zoned
  - (e) The grant of the variance would not violate the intent of this UDO and would further substantiate justice
- (8) AMORTIZATION:
- (a) Initiate, on its own motion or otherwise, action to bring about the discontinuance of a nonconforming use in accordance with **Article X, Nonconformities**.
  - (b) Require the discontinuance of a nonconforming use under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Ordinance.
  - (c) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance.
- (9) VOTING REQUIREMENTS
- (a) The grant of any variance requires the affirmative vote of at least four (4) members of the board
  - (b) A vote of at least four (4) members is required to overturn or modify any decision by the Administrator
  - (c) All other actions may be approved by not less than three (3) members of the Board
- (10) APPEALS FROM ZONING BOARD OF ADJUSTMENT: Any appeal to a ZBA decision must be made to a court of record in Ellis County, Texas within 10 days of the decision or as specified in the TXLGC.

### 3.3.11 Administrative Modification

- (1) **PURPOSE:** This section provides a process to allow for minor adjustment to the numerical zoning standards of this Ordinance based on a set of criteria by the Administrator.
- (2) **APPLICABILITY:** Only the standards specified in Table 3.3-3 may be adjusted based on the extent to which they meet the criteria and extent of allowed modification. All other amendments shall either be through the ZBA or City Commission through a rezoning (including in the case of special districts through a Concept Plan amendment).
- (3) **APPLICATION SUBMITTAL:** All applications for an administrative modification shall be submitted to the Administrator by the following parties, unless otherwise indicated by this article:
  - (a) Any owner of the property subject to the application
  - (b) An agent, lessee, or contract purchaser specifically authorized by the owner to file the application
- (4) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (5) **APPLICATION REVIEW:** All complete applications for an Administrative Modification shall be reviewed by the Administrator based on the requirements in this Ordinance or any approved Concept, Development, or Site Plans as applicable.
- (6) **ADMINISTRATOR DECISION:** All Administrative Modifications may either be approved or approved with conditions by the Administrator based on the criteria established in this section. Any applications that do not meet these established criteria may be referred to the ZBA.
- (7) **REVIEW AND APPROVAL CRITERIA:** Table 3.3-3 shall establish the criteria for permitted Administrative Modifications. In no circumstance shall the Administrator approve an administrative modification that results in:
  - (a) An increase in overall project intensity or density
  - (b) A change in permitted uses or mix of uses
  - (c) A change in the relationship between the buildings and the street
  - (d) A change in any required element of any ordinance or PD standards

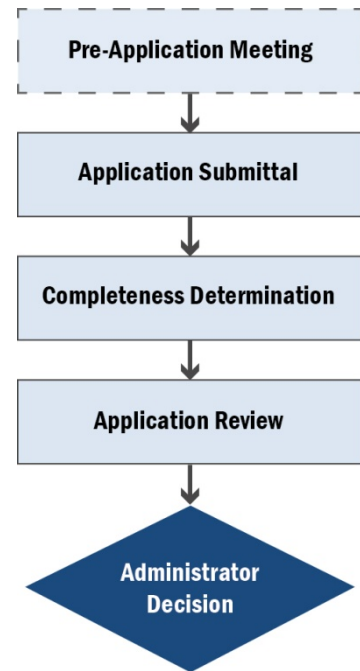


Figure 3.3-12: Administrative Modification Procedures

Table 3.3-3: Administrative Modification Standards and Criteria		
Regulation	Modification Permitted	Criteria
1. Setbacks and build- to- zones/lines (Specific PD ordinance may establish alternative modification standards)	20% maximum or 5' (whichever is less)	Changes to the build-to-zones and setbacks may only occur when there are caused by one or more of the following: a) A change to the street cross sections established in any ordinance, Concept Plan or Development Plan b) Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for the particular zoning district c) Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site d) Need to accommodate overhead or underground utilities and/or easements e) Need to preserve existing trees on the property
2. Lot Width and Lot Depth	Lot may be 10% smaller than the minimum width or depth required	a) Adjustment in lot width or depth does not increase the overall project density as allowed by the specific district regulations and shall only be allowed on no more than 10% of lots within a platted subdivision of 10 lots or greater b) The adjustment is needed for one or more of the following reasons: i. To accommodate any required easements while preserving trees or other physical constraints such as steep grades, etc. ii. Meet the block perimeter and street layout standards while accommodating an efficient lot layout
3. Lot Area	Lot may be a maximum of 10% smaller than required	Decrease in area is due to a change in lot width or depth per allowance Subsection 2 above
4. Building Height	May be 10% more than the allowed height	Shall be only to accommodate HVAC, parapets, towers, and other building appurtenances. Modifications shall improve the appearance of the building's character
5. Building frontage requirements within the Regional MU District	Reduced by no more than 15%	Any reduction in the required building frontage shall be to address one or more of the following: a) To accommodate porte-cocheres for drop-off and pick-up b) To accommodate existing buildings and site elements such as parking, landscaping, etc. c) To accommodate other sidewalks, trails, or required storm water drainage, or low impact development (LID) elements on the site
6. Any other numerical standard in the Ordinance	A modification up to 5% (increase or decrease)	a) A modification of a numerical standard is needed to accommodate any remaining existing conditions b) The proposed development still meets the intent of the zoning district or PD ordinance
7. Phased Developments	Deferment of development standards based on a phasing plan	Phased developments may defer some of the development standards if based on a phasing agreement which shall be part of an approved concept, Development Plan, or Developer's Agreement

**3.3.12 Preliminary Plat**

- (1) **PURPOSE AND APPLICABILITY:** The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the subdivision of land with applicable requirements of this Ordinance. Preliminary plats shall be approved prior to any land division and commencement of any new development or construction project.
- (2) **EXCEPTIONS:**
  - (a) A Preliminary Plat is not required when a Minor Plat is submitted. Refer to Section 3.3.14
  - (b) A Final Plat in accordance with Section 3.3.13, along with Construction Plans, may be submitted in lieu of a Preliminary Plat if a Developer’s Agreement and/or appropriate surety are submitted along with the application
- (3) **PRE-APPLICATION MEETING:** A pre-application meeting is required for Preliminary Plats. Standards for pre-application meetings in Section 3.2.3 shall apply.
- (4) **APPLICATION SUBMITTAL:** In addition to submittal requirements in Section 3.2.4, the application submittal shall include:
  - (a) A Preliminary Drainage Plan, Preliminary Paving and Preliminary Utility Plan. If deemed necessary for thorough review by the Administrator, other plans may be required.
  - (b) Current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons or entities, including mortgage holders, having an ownership interest in the property subject to the Preliminary Plat.
- (5) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (6) **APPLICATION REVIEW:** All complete applications for Preliminary Plats shall be reviewed by the Administrator based on the requirements in this Ordinance (Section 3.2.5) and justification for modifications or variances to any standards.
- (7) **NOTICE:** None.
- (8) **APPROVAL PROCEDURES:**
  - (a) Action by the Planning and Zoning Commission: The P&Z shall have final authority to approve, approve with modifications, or deny the application.
  - (b) Appeal: The applicant may appeal a P&Z decision to deny or to conditionally approve a preliminary plat to the City Commission.
- (9) **REVIEW AND APPROVAL CRITERIA:** In addition to general criteria in Section 3.2.7 (2),

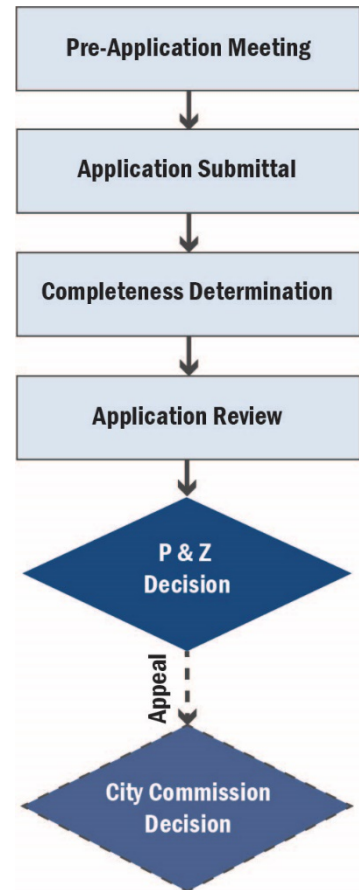


Figure 3.3-12 Preliminary Plat Procedures

the following criteria shall be used by the P&Z to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:

- (a) The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development or Special Zoning District standards, and with any approved conditions as applicable.
  - (b) The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and rights-of-way are adequate to serve the development, meet applicable standards of this Ordinance, and conform to the city's adopted master plans for those facilities.
  - (c) The Preliminary Plat is in accordance with the city's interlocal agreements with Ellis County if the proposed development is located in whole or in part in the ETJ of the city.
  - (d) The Preliminary Plat has been duly reviewed by all required city staff.
  - (e) The Preliminary Plat conforms to design requirements and construction standards as set forth in this Ordinance and the city's Infrastructure Design Standards.
  - (f) The Preliminary Plat is consistent with the Comprehensive Plan, except where application of the Plan may conflict with State law (e.g., land use in the ETJ).
  - (g) The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare.
- (10) AMENDMENTS: The following amendments can be made to a Preliminary Plat following approval:
- (a) Minor Amendments – Minor amendments to the design of the development subject to an approved Preliminary Plat may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for re-approval of a Preliminary Plat. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (such as to lot standards in the zoning district), and provided that such amendments are consistent with applicable approved prior applications.
  - (b) Major Amendments – All other proposed changes to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews, new official filing date, etc.) before approval of Construction Plans and/or a Final Plat.
  - (c) Determination - The Administrator shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.
- (11) RECORDING: A preliminary plat is not recorded. The Administrator shall maintain the approved preliminary plat in accordance with state law and city records retention policies.

### 3.3.13 Final Plat

- (1) **PURPOSE AND APPLICABILITY:** The purpose of a Final Plat is to ensure that the proposed development of the land is consistent with all standards of this Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the development have been installed and accepted by the city or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- (2) **EXCEPTIONS:** A Final Plat is not required when a Minor Plat is submitted.
- (3) **PRE-APPLICATION MEETING:** A pre-application meeting is encouraged but optional for Final Plats. Standards for pre-application meetings in Section 3.2.3 shall apply to pre-application meetings.
- (4) **APPLICATION SUBMITTAL:** In addition to submittal requirements in Section 3.2.4, the application submittal shall include:
  - (a) Proof of ownership in the form of a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons or entities, including mortgage holders, having an ownership interest in the property subject to the Final Plat.
  - (b) The Final Plat may be accompanied by Construction Plans if also accompanied by a Developer's Agreement and appropriate surety (approval of each shall be separate). Should the property have a prior approved Preliminary Plat, the Final Plat shall conform to the Preliminary Plat as approved or approved with conditions by the P&Z or City Commission.
  - (c) The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, and all mortgage holders effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat. Such consent shall be subject to review and approval by the Administrator.
- (5) **COMPLETENESS DETERMINATION:** Requirements in *Section 3.2.4* shall apply.
- (6) **APPLICATION REVIEW:** All complete applications for Final Plats shall be reviewed by the Administrator based on the requirements in this Ordinance (*Section 3.2.5*) and justification for modification of any standards.
- (7) **PUBLIC NOTICE:** None.
- (8) **APPROVAL PROCEDURES:**
  - (a) Action by the Planning and Zoning Commission: The P&Z shall have the final authority to approve, approve with conditions, or deny any Final Plats.
  - (b) Appeal: The applicant may appeal a P&Z decision to deny or to conditionally

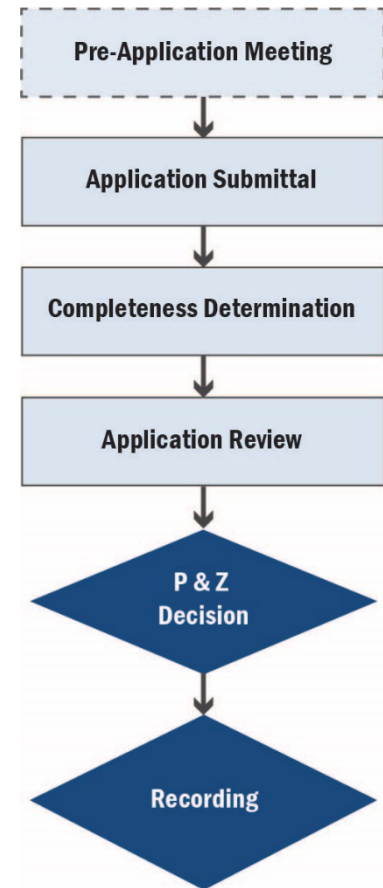


Figure 3.3-13: Final Plat Review Procedures



- approve a Final Plat to the City Commission.
- (9) REVIEW AND APPROVAL CRITERIA – PRIOR APPROVED PRELIMINARY PLAT: In addition to general criteria in Section 3.2.7(2), the following criteria shall be used by the P&Z to determine whether the application for a Final Plat with a previously approved Preliminary Plat shall be approved, approved with conditions, or denied:
- (a) The Final Plat conforms to the approved Preliminary Plan except for minor amendments that are authorized under Section 3.3.13 (10) and that may be approved without the necessity of revising the approved Preliminary Plat.
  - (b) All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied.
  - (c) The Construction Plans conform to design requirements and construction standards as set forth in this Ordinance and the Infrastructure Design Standards.
  - (d) Where public improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Administrator.
  - (e) Where the Administrator has authorized public improvements to be deferred, a Developer’s Agreement has been executed and submitted by the property owner in conformity with **Article IX Subdivision Regulations**.
  - (f) The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance.
  - (g) The Final Plat meets all applicable county standards to be applied under an interlocal agreement between the city and the county under Texas Local Government Code Chapter 242, where the proposed development is located in whole or in part in the ETJ of the city.
- (10) REVIEW AND APPROVAL CRITERIA – NO PRIOR APPROVED PRELIMINARY PLAT: In addition to general criteria in Section 3.2.7 (2), the following criteria shall be used by the P&Z to determine whether the application for a Final Plat with no prior approved Preliminary Plat shall be approved, approved with conditions, or denied:
- (a) The Final Plat conforms to all criteria for approval of a Preliminary Plat.
  - (b) The Construction Plans conform to design requirements and construction standards as set forth in this Ordinance and the Infrastructure Design Standards.
  - (c) A Developer’s Agreement or surety for installation of public improvements has been prepared and executed by the property owner in conformity with **Article IX Subdivision Regulations**.
  - (d) The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance.
  - (e) The Final Plat meets all applicable county standards to be applied under an interlocal agreement between the city and the county under Texas Local Government Code Chapter 242, where the proposed development is located in whole or in part in the ETJ of the city.
- (11) RECORDING:
- (a) All plats submitted for recordation shall be sealed by a registered professional land surveyor in the state of Texas.
  - (b) All plats to be recorded shall conform to all conditions of approval and shall be submitted to the Administrator.
  - (c) Plats shall be recorded in the Plat Records of Ellis County by the city and a copy delivered to the applicant. They shall include:

- i. All stipulations of approval
  - ii. The required public improvements have been completed and accepted by the city (or appropriate surety provided in accordance with **Article IX Subdivision Regulations**)
  - iii. All necessary fiscal agreements approved by the city and fully executed by all parties
  - iv. Payment of all applicable fees, assessments, and both current and delinquent taxes
- (d) Effect of Approval – The approval of a Final Plat supersedes any prior approved Preliminary Plat for the same land; authorizes the applicant to install any improvements in public rights-of-way in conformance with approved Construction Plans and under any Developer’s Agreement, if applicable; and authorizes the applicant to seek Construction Release and/or issuance of a Building Permit.
- (e) Revisions Following Recording/Recordation – Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

### 3.3.14 Minor Plat

- (1) **PURPOSE AND APPLICABILITY:** The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in State law. An application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:
  - (a) The proposed division results in four (4) or fewer lots.
  - (b) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Ordinance.
  - (c) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the development.
  - (d) If minor revisions are required for a previously platted, recorded lot, a Minor Plat may be utilized in lieu of a Replat if allowed by State Law.
- (2) **PRE-APPLICATION MEETING:** A pre-application meeting is encouraged but optional for Minor Plats. Standards for pre- application meetings in Section 3.2.3 shall apply to pre- application meetings.
- (3) **APPLICATION SUBMITTAL:** In addition to submittal requirements in Section 3.2.4, the application submittal shall follow the same requirements for a Final Plat in Section 3.3.13 (4).
- (4) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (5) **APPLICATION REVIEW:** All complete applications for Minor Plats shall be reviewed by the Administrator based on the requirements in this Ordinance (Section 3.2.5) and justification for modification of any standards.
- (6) **ADMINISTRATIVE DECISION:** All Minor Plats that meet the requirements of this Ordinance may either be approved or approved with conditions by the Administrator. Any applications for Minor Plats that do not meet this Ordinance may only be approved by the P&Z.
- (7) **NOTICE:** None required.
- (8) **APPROVAL PROCEDURES:** Should the application not meet the requirements of this Ordinance, approval may only be by the P&Z which has final authority to approve, approve with conditions, or deny any Minor Plat.
- (9) **REVIEW AND APPROVAL CRITERIA:** Approval criteria for Minor Plats shall be in accordance with general criteria in Section 3.2.7 (2) and the following criteria for Minor Plats:
  - (a) All lots to be created by the plat already are adequately served by a public street and by all required utilities and services and by alleys, if applicable
  - (b) The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat

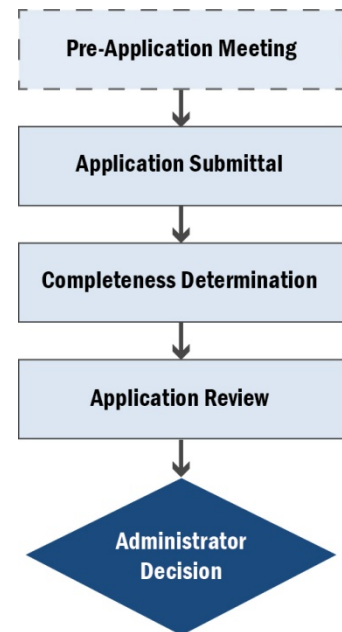


Figure 3.3-14: Minor Plat Review Procedures

- (c) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the development including any dedication statements and signatures for ROW dedications.
- (10) RECORDING:
- (a) See Section 3.3.13 (11).

**3.3.15 Replat**

- (1) **PURPOSE AND APPLICABILITY:** A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
  - (a) Is signed and acknowledged by the owners of the property being replatted
  - (b) Is approved after a public hearing
  - (c) Does not attempt to amend or remove any covenants or restrictions
- (2) **PRE-APPLICATION MEETING:** A pre-application meeting is encouraged and not required for Replats. Standards for pre- application meetings in Section 3.2.3 shall apply to pre- application meetings.
- (3) **APPLICATION SUBMITTAL:** The application submittal must be in conformance with submittal requirements in Section 3.2.4
- (4) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (5) **APPLICATION REVIEW:** All complete applications for Replat shall be reviewed by the Administrator based on the requirements in this Ordinance (Section 3.2.5).
- (6) **NOTICE:** Notice shall be provided for Replats per this Section and per TXLGC 212.015, as amended.
- (7) **Types of replats requiring public notice:**
  - (a) Any part of the area to be replatted was limited by an interim or permanent zoning classification to single-family or duplex residential use at any time during the preceding five years
  - (b) Any lot in the preceding plat was limited by deed restriction to single-family or duplex residential use
  - (c) **Exemption:** Compliance with this Subsection is not required for approval of a replat if the area to be replatted was designated or reserved for a use other than single or duplex family residential use by notation on the plat or in the legally recorded restrictions applicable to the plat
  - (d) Notice of a public hearing shall be given before the 15th day before the date of the hearing by:
    - i. Publication in the official newspaper of the city
    - ii. By written notice to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted as indicated on the most recently certified tax roll
  - (e) If the proposed Replat requires a waiver and is protested by petition in accordance with state law, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the Planning and Zoning Commission or City Council members present.
    - i. For a legal protest or petition to be valid:

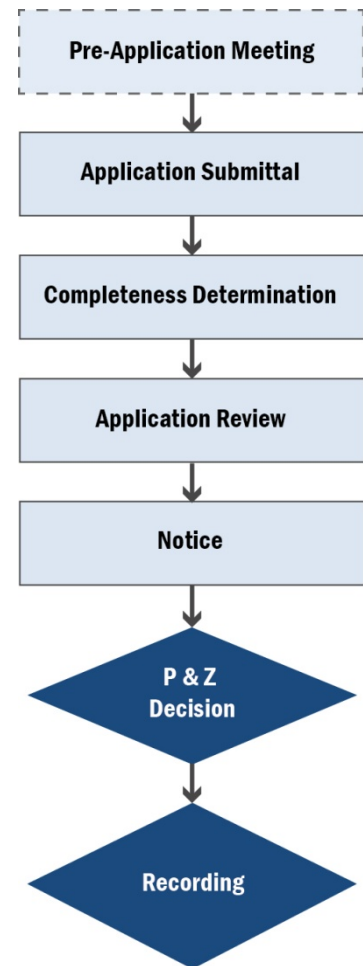


Figure 3.3-15: Replat Procedures

1. The petition must be signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed Replat and extending 200 feet from that area but within the original subdivision
  2. The petition must be submitted to the Commission or Council, or both, prior to close of the public hearing
  3. The signatures on the petition must correspond with actual names listed on the most recently approved municipal tax roll or in the case of a subdivision within the ETJ, the most recently approved county tax roll
- (8) APPROVAL PROCEDURES:
- (a) If Texas Local Government Code §212.014 or 212.015 applies, the proposed replat is subject to the procedures established in that section.
  - (b) All other replats are subject to the approval procedures established for final plats (see Section 3.3.13).
- (9) REVIEW AND APPROVAL CRITERIA: Approval criteria for Replats shall be in accordance with criteria for Final Plats in Section 3.3.13. In addition, lots must conform in width, depth, and area to the predominant pattern established by the existing lots located on the same block, having due regard to the character of the area.
- (10) RECORDING:
- (a) See Section 3.3.13 (11).
  - (b) The following minimum certification shall be shown on all replats: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property."

### 3.3.16 Amending Plat

- (1) **PURPOSE AND APPLICABILITY:** The Administrator may approve an amended plat if the amended plat is signed by the owners only and is solely for one or more of the purposes prescribed in Texas Local Government Code § 212.016.
- (2) **PRE-APPLICATION MEETING:** A pre-application meeting is encouraged but optional for Amending Plats. Standards for pre-application meetings in Section 3.2.3 shall apply to pre-application meetings.
- (3) **APPLICATION SUBMITTAL:** The application submittal shall conform to submittal requirements in Section 3.2.4
- (4) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (5) **APPLICATION REVIEW:** All complete applications for Amending Plats shall be reviewed by the Administrator based on the requirements in this Ordinance (Section 3.2.5) and per Texas Local Government Code § 212.016
- (6) **ADMINISTRATIVE DECISION:** All Amending Plats that meet the requirements of this Ordinance may either be approved or conditionally approved by the Administrator. Any applications for Amending Plats that do not meet this Ordinance will be forwarded to the P&Z for a final decision.
- (7) **NOTICE:** Should approval by P&Z be required, notice shall be published and written. See Section 3.2.6 and Table 3.2-1
- (8) **APPROVAL PROCEDURES:**
  - (a) If the Administrator determines that the amended plat complies with requirements of this Ordinance, then the Administrator shall approve and certify the amended plat and the plat shall be filed of record.
  - (b) Referral of Amended Plats: If the Administrator determines that the amended plat does not comply with the requirements of this Ordinance. The Administrator shall:
    - i. Refer the application to the P&Z within the time period required for approval of a final plat (See Section 3.3.13).
    - ii. Provide the applicant written notification and an explanation of why the plat does not comply with this Ordinance.
- (9) **RECORDING:**
  - (a) Shall meet the standards for recording of a Final Plan in Section 3.3.13
  - (b) The following certification shall be shown on all amended plats: "This plat does not increase the number of lots in the previously recorded subdivision nor attempt to alter or remove existing deed restrictions or covenants, if any, on this property." Amended plats shall contain a note describing the intent of the amended plat.

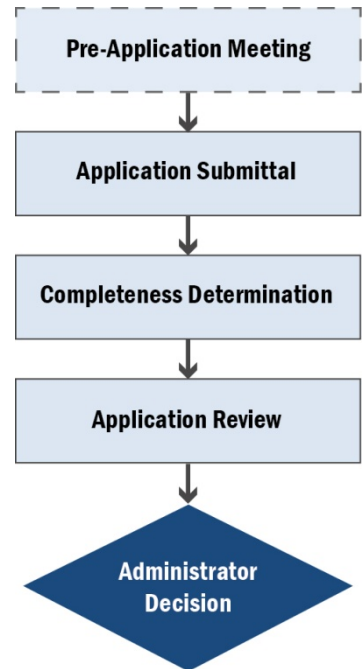
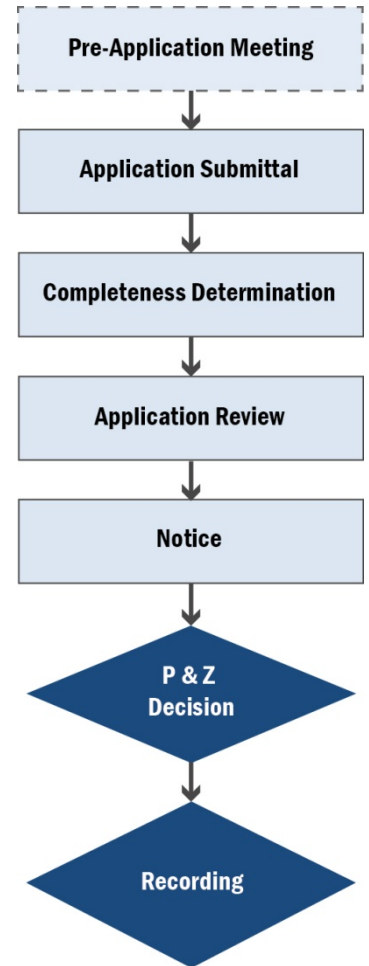


Figure 3.3-17 Amending Plat Procedures

**3.3.17 Plat Vacation**

- (1) **PURPOSE AND APPLICABILITY:** The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of the State law.
- (2) **PRE-APPLICATION MEETING:** A pre-application meeting is encouraged but optional for Plat Vacation. Standards for pre-application meetings in Section 3.2.3 shall apply to pre-application meetings.
- (3) **APPLICATION SUBMITTAL:** The application submittal must conform to submittal requirements in Section 3.2.4
- (4) **COMPLETENESS DETERMINATION:** Requirements in Section 3.2.4 shall apply.
- (5) **APPLICATION REVIEW:** All complete applications for Plat Vacations shall be reviewed by the Administrator based on the requirements in this Ordinance (Section 3.2.5) and justification for modification of any standards.
- (6) **NOTICE:** Published and written notice required. See Section 3.2.6 and Table 3.2-1
- (7) **APPROVAL PROCEDURES:**
  - (a) **Action by the Planning and Zoning Commission:** The P&Z shall hold a public hearing on any Plat Vacation. The P&Z shall have the final authority to approve, approve with conditions, or deny any Plat Vacation.
  - (b) **Appeal:** The applicant may appeal a P&Z decision to deny or to conditionally approve a Plat Vacation to the City Commission.
- (8) **REVIEW AND APPROVAL CRITERIA:** Approval criteria for Plat Vacation shall be in accordance with the criteria for a final plat per Section 3.3.13 and in accordance with TXLGC 212.013, as amended.
- (9) **RECORDING:**
  - (a) The instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. Replacement right-of-way or easement may be required to be dedicated by separate instrument as condition of approval.
  - (b) After the vacating instrument is approved, the applicant may seek a subdivision plat, zoning, and building permit approvals subject to this Ordinance, and any conditions of approval attached to the vacating instrument.



**Figure 3.3-18 Plat Vacation Procedures**



## 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.

### 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.

### 3.4.4 Responsibility for Enforcement

The Administrator shall have primary responsibility for enforcing all provisions of this Ordinance. Other officers of the city, as designated by the City Manager, may share

responsibility for enforcing provisions of this Ordinance.

### **3.4.5 Enforcement Procedures**

- (1) **REMEDIES AND ENFORCEMENT POWERS:** The city shall have the remedies and enforcement powers in this section.
- (2) **WITHHOLD PERMIT:**
  - (a) The city may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or use or improvements upon a determination that there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city. This enforcement provision shall apply regardless of whether the current or previous owner or lessee or applicant is responsible for the violation in question.
  - (b) The city may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, use, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property with the violation.
- (3) **PERMITS APPROVED WITH CONDITIONS:** Instead of withholding or denying a permit or other authorization, the city may grant such authorization subject to the condition that the violation be corrected.
- (4) **REVOCAION OF PERMITS OR AUTHORIZATION:**
  - (a) Any permit or other form of authorization required under this Ordinance may be revoked, after notice to the applicant, when the Administrator determines that:
    - i. There is a departure from the approved plans, specifications, limitations, or conditions as required under the approved permit or authorization
    - ii. The permit or authorization was procured by false representation
    - iii. The permit or authorization was issued in error
    - iv. There is a violation of any provision of this Ordinance or condition of approval
  - (b) Written notice of revocation shall be sent to the property owner, agent, applicant, or other person to whom the permit or authorization was issued. No work or construction shall proceed after revocation notice has been sent.
- (5) **STOP WORK ORDER:**
  - (a) With or without revoking permits, the city may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance, an Adopted Ordinance, or of a permit or other form of authorization issued, in accordance with the city's power to stop work under its building codes.
  - (b) The stop work order and any associated penalties shall be in writing and directed to the person doing the work, and shall specify the provisions of this Ordinance or permit or authorization that is in violation. After any such order has been sent, no work shall proceed on any building, structure, or land covered by such order, except to correct such violation or comply with the order.
  - (c) Once the violations of the ordinance, permit, authorization or conditions have

been remedied or met, the Administrator shall rescind the stop work order.

- (6) MUNICIPAL CITATION: The city, through the Administrator or other employee, may issue citations to be prosecuted in the city's municipal court.
- (7) INJUNCTIVE RELIEF: The city may seek an injunction or other equitable relief in an appropriate court in Ellis County, Texas to stop any violation of this Ordinance or of a permit, approval, or other form of authorization granted under this Ordinance.
- (8) WITHHOLD PUBLIC SERVICES: The city may withhold any public services until all violations have been remedied and all the requirements of this Ordinance have been met.
- (9) OTHER REMEDIES: The city shall have such other remedies as are and as may be from time-to- time provided by law for the violation of zoning, subdivision, sign, or related ordinance provisions.
- (10) OTHER POWERS: In addition to the enforcement powers specified in this article, the city may exercise any and all enforcement powers granted by law.
- (11) CONTINUATION: Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous and valid ordinances and laws.

#### **3.4.6 Cumulative Remedies**

The remedies and enforcement powers established in this article shall be cumulative and the city may exercise them in any order or combination at any time.

#### **3.4.7 Penalties for Violations**

- (1) Any person or corporation who violates any of the provisions of this Ordinance or fails to comply with any of the requirements thereof, or who builds or alters any building, structure, sign, or use or who develops, constructs, remodels, or any other activity of any nature upon land in violation of any permit or authorization shall be guilty of a misdemeanor punishable under this section.
- (2) The owner or owners or tenant of any building or premises or part thereof, where anything in violation of this Ordinance is placed or exists, and any architect, builder, contractor, agent, person, or corporation employed by the owner or tenant who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section.
- (3) Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

CITY OF ENNIS, TEXAS
UNIFIED DEVELOPMENT ORDINANCE

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

**Article IV – Zoning Districts**

**4.1 GENERAL TO ALL ZONING DISTRICTS AND ZONING MAP**

**4.1.1 Zoning Districts Established**

This article establishes the zoning districts within the City of Ennis, Texas. This Article (IV) and **Article V: Use Standards**, identify the dimensional standards established and uses allowed within the districts. **Article VI: Building and Urban Design Standards**, identifies any zoning district-specific standards applying to development in the districts.

The following Table 4.1-1 provides a summary of the zoning districts established.

Table 4.1-1: Zoning Districts Established		
District Type	Abbreviation	Zoning District Name
<b>Residential</b>	A	Agricultural
	RE	Residential Estate
	R-10	Single-Family Residential 10
	R-7	Single-Family Residential 7
	R-5	Single-Family Residential 5
	NC	Neighborhood Conservation
	D	Residential Duplex
	TH	Townhome
	MF-1	Multi-family 1
	MF-2	Multi-family 2
	MH	Manufactured Home
<b>Commercial</b>	C	Neighborhood Commercial
	BP	Business Park
	CC	Corridor Commercial
<b>Industrial</b>	L-IM	Light Industrial and Manufacturing
	H-IM	Heavy Industrial and Manufacturing
<b>Public</b>	IC	Institutional and Civic
	PP	Public and Parks
<b>Special Districts</b>	PD	Planned Development
	RMU	Regional Mixed Use
	KC	Kaufman Corridor

**4.1.2 Zoning District Map**

- (1) The zoning districts are shown on the City of Ennis Zoning Map (Zoning Map). The boundaries of zoning districts established in this Ordinance are delineated upon the Zoning Map and adopted as part of this Ordinance as fully as if the same were set forth in this section in detail. Procedures for amending the Zoning Map are set forth in **Article III, Review Procedures**.
- (2) The Administrator shall keep a complete set of the Official Zoning Maps in any convenient format, either electronically or in hard copy. The Official Zoning Maps shall

be kept up to date by posting any subsequent zoning changes as soon as practical after the change occurs. These maps shall be available for public inspection.

- (3) Administrative modifications to the Zoning Map shall be made by the Administrator.

#### **4.1.3 Zoning District Boundaries**

- (1) When uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Administrator shall be responsible for interpretation of the zoning map in accordance with the following rules:
- (2) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or railroad rights-of-way are construed to follow those centerlines.
- (3) Boundaries indicated as approximately following platted lot boundaries or city limit boundaries are construed as following those boundaries.
- (4) Boundaries indicated as approximately following the centerlines of streams, creeks, rivers, canals, lakes, or other bodies of water are construed to follow those centerlines. The centerline is interpreted as being midway between the shorelines of the body of water or along the middle of designated floodways. If the centerlines or floodways change, the boundaries are construed as moving with the centerline or floodway.
- (5) Where a zoning district boundary line traverses a large parcel of land or acreage in a recorded subdivision, and such large parcel or acreage has been divided by metes and bounds without indication upon the recorded plat, or where it may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the centerline of a street or alley or the property line resulting from such division nearest to the district line shown on the Official Zoning Map, so long as the zoning district boundary is not varied more than 100 feet from its location on the Official Zoning Map.
- (6) When the district boundary line is not otherwise determined, it shall be determined by the scale of the Official Zoning Map from a given line.
- (7) Whenever a street, alley, or other public way is vacated by official action of the city, the zoning district line adjoining each side of the vacated street, alley, or other public way automatically extends to the centerline of the vacated right-of-way.
- (8) When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections above, the Planning and Zoning Commission shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.
- (9) If, because of error or omission on the Official Zoning Map, any property in the city is not shown to be included in a zoning district, such property shall be classified as the "A" Agricultural district until changed by a zoning map amendment.

#### **4.1.4 Annexed Territory**

- (1) When any territory is brought into the jurisdiction of the City of Ennis, by annexation or otherwise, such territory shall be deemed to be in the "A" Agricultural district unless the City Commission designates another zoning district at the time of annexation after review and recommendation by the Planning and Zoning

Commission, giving due consideration to the surrounding existing uses, the Comprehensive Plan, and property owner request, and provides notice that complies with the notice requirements of **Article III: Review Procedures**. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in **Article III: Review Procedures**.

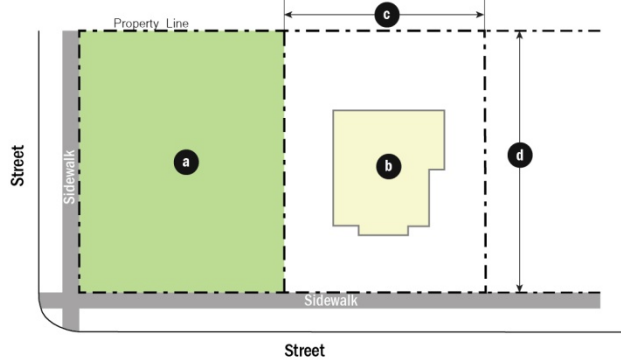
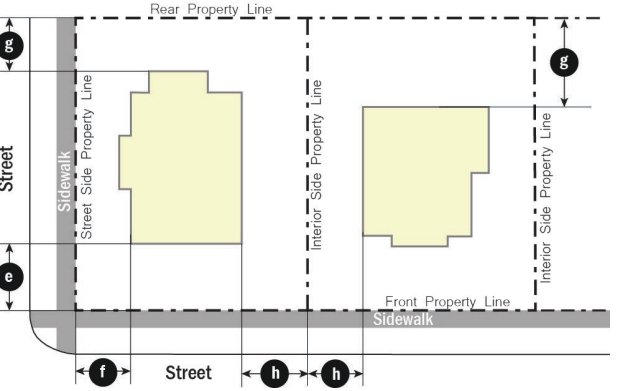
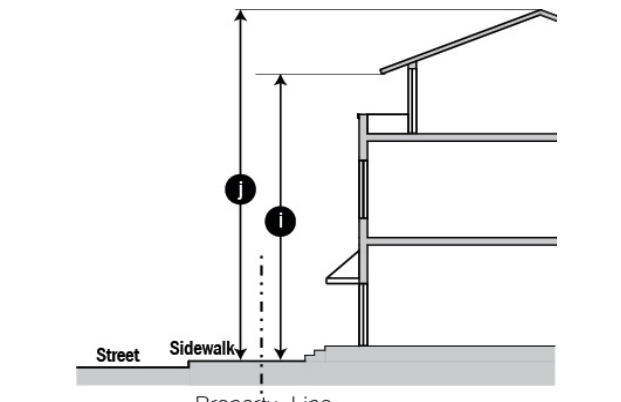
## **4.2 RESIDENTIAL ZONING DISTRICTS**

### **4.2.1 General Purposes of Residential Zoning Districts**

The residential zoning districts are intended to:

- (1) Provide appropriate locations for residential development that are consistent with the Future Land Use Plan and Comprehensive Plan.
- (2) Ensure adequate light, air, and privacy for all dwelling units.
- (3) Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities.
- (4) Allow for a variety of housing types that meet the diverse needs of residents.
- (5) Protect residential development from the encroachment of uses that are incompatible with a residential use.
- (6) In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, Accessory Buildings, and certain temporary uses are also allowed.

**4.2.2 Agricultural (A)**

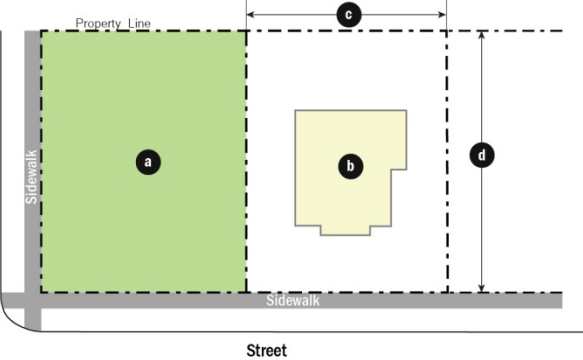
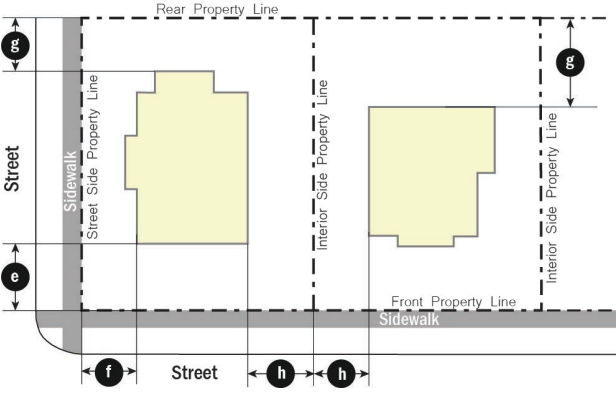
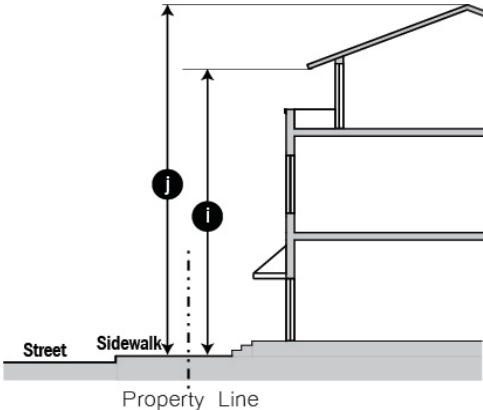
<b>(1) Purpose:</b>	<b>(2) Density</b>	
<p>The Agricultural district is intended to accommodate agricultural uses on large acreage (two acre min.). This district can also accommodate single-family detached residential uses and Accessory Buildings. It may be used as a holding zoning when property is first annexed into the city. The district provisions allow compatible agricultural uses that are in keeping with the rural character of these neighborhoods.</p> <p><b>Figure i: Lot Dimension Measurement</b></p>  <p><b>Figure ii. Setback Measurement</b></p>  <p><b>Figure iii. Height Measurement</b></p> 	<p>Dwelling Units/Acre (maximum)</p>	<p>0.5</p>
	<b>(3) Lot Dimensions</b>	
	<p>(a) Lot Area (minimum)</p>	<p>2 acres</p>
	<p>(b) Gross Living Area (minimum) sq. ft.</p>	<p>1,000</p>
	<p>(c) Lot Width (minimum) feet</p>	<p>150</p>
	<p>(d) Lot Depth (minimum) feet</p>	<p>NA</p>
	<b>(4) Setbacks</b>	
	<p>(e) Street, Front (minimum) feet Arterial or Collector Local Street</p>	<p>30 20</p>
	<p>(f) Street, Side (minimum) feet All roadways Alleys/private easements</p>	<p>15 10</p>
	<p>(g) Rear (minimum) feet Alley</p>	<p>10 5</p>
<p>Any residential lot</p>	<p>10</p>	
<p>(h) Side, Interior (minimum) feet</p>	<p>10</p>	
<b>(5) Height (maximum) feet</b>		
<p>(i) To highest level eave or parapet</p>	<p>35</p>	
<p>(j) To top of the roof structure</p>	<p>45</p>	
<b>(6) Lot Coverage (maximum) Percentage</b>		
<p>All buildings on the lot</p>	<p>30%</p>	



**4.2.3 Residential Estate (RE)**

<p><b>(1) Purpose:</b></p>	<p><b>(2) Density</b></p>	
<p>The Residential Estate (RE) district is intended to accommodate large estate style (one-acre) single-family detached residential uses and Accessory Buildings. The district provisions allow compatible agricultural uses that are in keeping with the rural character of these neighborhoods.</p>	<p>Dwelling Units/Acre (maximum)</p>	<p>1.0</p>
<p><b>Figure i: Lot Dimension Measurement</b></p>	<p><b>(3) Lot Dimensions</b></p>	
	<p>(a) Lot Area (minimum) sq. ft.</p>	<p>43,560</p>
<p><b>Figure ii. Setback Measurement</b></p>	<p>(b) Gross Living Area (minimum) sq. ft.</p>	<p>1,000</p>
	<p>(c) Lot Width (minimum) feet</p>	<p>100</p>
<p><b>Figure iii. Height Measurement</b></p>	<p>(d) Lot Depth (minimum) feet</p>	<p>120</p>
	<p><b>(4) Setbacks</b></p>	
<p><b>(5) Height (maximum) feet</b></p>	<p>(e) Street, Front (minimum) feet</p>	
<p>(i) To highest level eave or parapet</p>	<p>Arterial or Collector</p>	
<p>(j) To top of the roof structure</p>	<p>Local Street</p>	
<p>(6) Lot Coverage (maximum) Percentage</p>	<p>(f) Street, Side (minimum) feet</p>	
<p>All buildings on the lot</p>	<p>All roadways</p>	
<p></p>	<p>Alleys/private easements</p>	
<p></p>	<p>(g) Rear (minimum) feet</p>	
<p></p>	<p>Alley</p>	
<p></p>	<p>Any residential lot</p>	
<p></p>	<p>(h) Side, Interior (minimum) feet</p>	
<p></p>	<p>10</p>	

**4.2.4 Single-Family Residential District – 10 (R-10)**

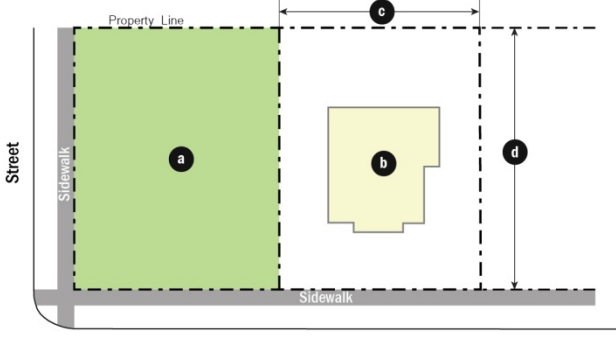
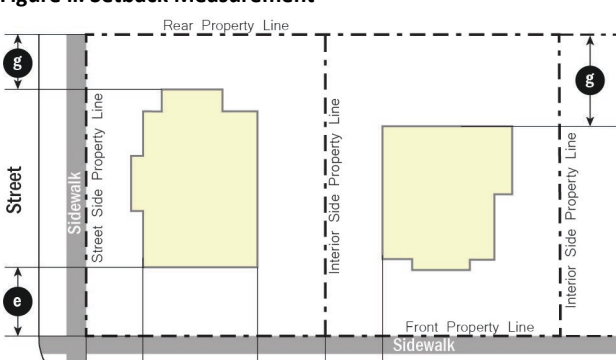
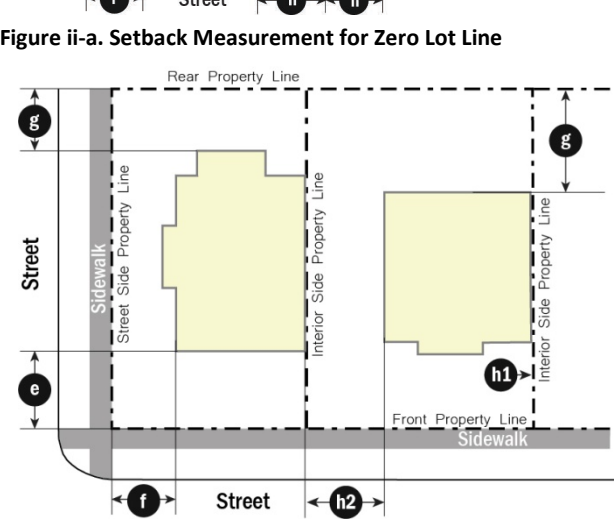
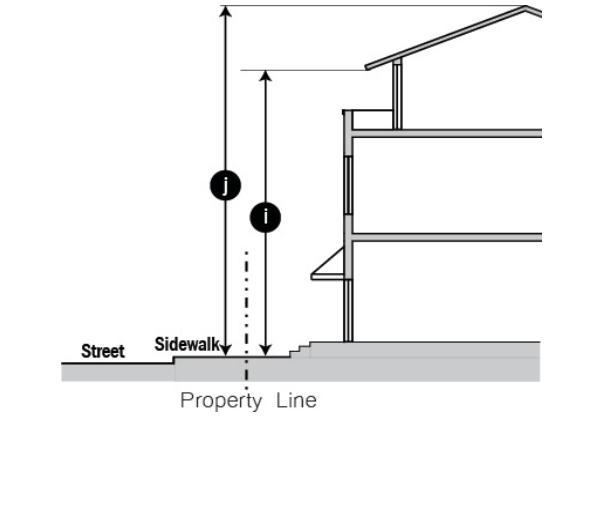
<p><b>(1) Purpose:</b></p> <p>The Single-Family Residential District 10 (R-10) district is intended to accommodate suburban style large-lot (10,000 sq. ft.) single-family detached residential uses and Accessory Buildings. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district.</p> <p><b>Figure i: Lot Dimension Measurement</b></p> 	<p><b>(2) Density</b></p>	
	<p>Dwelling Units/Acre (maximum)</p>	<p>4.0</p>
<p><b>Figure ii: Setback Measurement</b></p> 	<p><b>(3) Lot Dimensions</b></p>	
	<p>(a) Lot Area (minimum) sq. ft.</p>	<p>10,000</p>
<p>(b) Gross Living Area (minimum) sq. ft.</p>	<p>1,000</p>	
<p>(c) Lot Width (minimum) feet</p>	<p>70</p>	
<p>(d) Lot Depth (minimum) feet</p>	<p>100</p>	
<p><b>Figure iii: Height Measurement</b></p> 	<p><b>(4) Setbacks</b></p>	
	<p>(e) Street, Front (minimum) feet</p>	<p>Arterial or Collector 30 Local Street 20</p>
<p>(f) Street, Side (minimum) feet</p>	<p>All roadways 15 Alleys/private easements 10</p>	
<p>(g) Rear (minimum) feet</p>	<p>Alley 5 Any residential lot 10</p>	
<p>(h) Side, Interior (minimum) feet</p>	<p>10</p>	
<p><b>(5) Height (maximum) feet</b></p>	<p><b>(5) Height (maximum) feet</b></p>	
<p>(i) To highest level eave or parapet</p>	<p>(i) To highest level eave or parapet</p>	<p>35</p>
<p>(j) To top of the roof structure</p>	<p>(j) To top of the roof structure</p>	<p>45</p>
<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	
<p>All buildings on the lot</p>	<p>All buildings on the lot</p>	<p>45%</p>

W

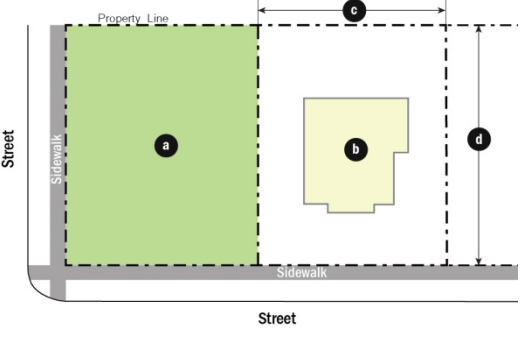
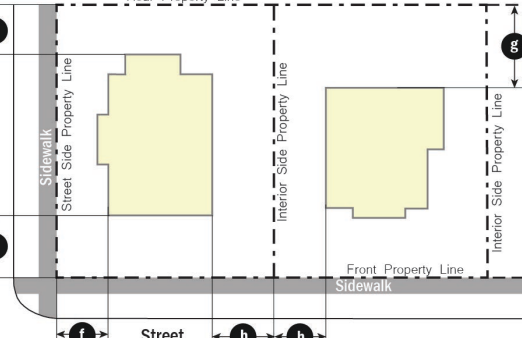
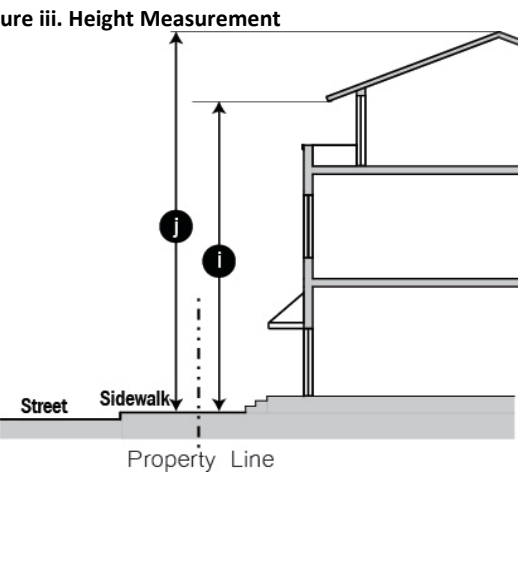
**4.2.5 Single-Family Residential District – 7 (R-7)**

<p><b>(1) Purpose:</b></p>	<p><b>(2) Density</b></p>	
<p>The Single-Family Residential District 7 (R-7) district is intended to accommodate smaller lots (7,000 sq.ft.) with single-family detached residential uses and Accessory Buildings. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings.</p>	<p>Dwelling Units/Acre (maximum)</p>	<p>6.0</p>
<p><b>Figure i: Lot Dimension Measurement</b></p>	<p><b>(3) Lot Dimensions</b></p>	
	<p>(a) Lot Area (minimum) sq.ft.</p>	<p>7,000</p>
<p><b>Figure ii: Setback Measurement</b></p>	<p>(b) Gross Living Area (minimum) sq. ft.</p>	<p>1,000</p>
	<p>(c) Lot Width (minimum) feet</p>	<p>50</p>
<p><b>Figure iii: Height Measurement</b></p>	<p>(d) Lot Depth (minimum) feet</p>	<p>100</p>
	<p><b>(4) Setbacks</b></p>	
<p><b>(5) Height (maximum) feet</b></p>	<p>(e) Street, Front (minimum) feet</p>	<p>Arterial or Collector 25</p>
<p>(i) To highest level eave or parapet</p>	<p>(f) Street, Side (minimum) feet</p>	<p>All roadways 15</p>
<p>(j) To top of the roof structure</p>	<p>Alleys/private easements</p>	<p>10</p>
<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	<p>(g) Rear (minimum) feet</p>	<p>10</p>
<p>All buildings on the lot</p>	<p>Alley</p>	<p>5</p>
	<p>Any residential lot</p>	<p>10</p>
	<p>(h) Side, Interior (minimum) feet</p>	<p>10</p>
	<p>(5) Height (maximum) feet</p>	
	<p>(i) To highest level eave or parapet</p>	<p>35</p>
	<p>(j) To top of the roof structure</p>	<p>45</p>
	<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	
	<p>All buildings on the lot</p>	<p>45%</p>

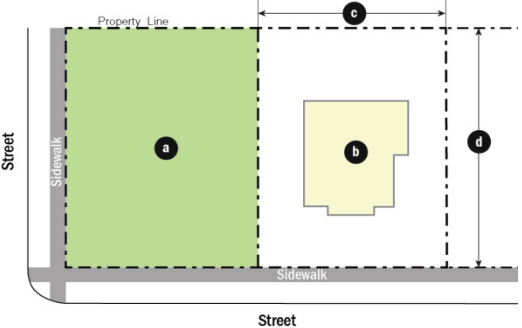
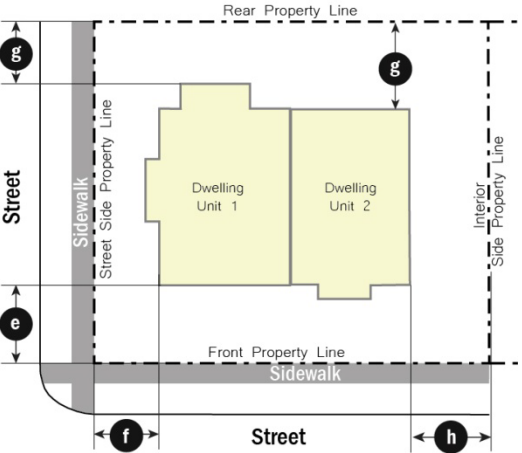
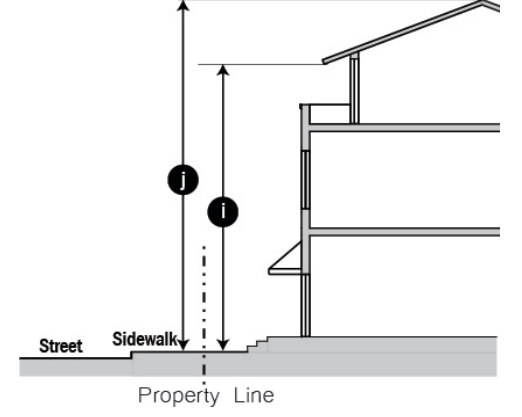
**4.2.6 Single-Family Residential District – 5 (R-5)**

<p><b>(1) Purpose:</b></p> <p>The Single-Family Residential District 5 (R-5) district is intended to accommodate smaller lots (5,000 sq.ft.) with single-family detached residential uses and Accessory Buildings. Homes in this district may also be designed as zero lot-line houses. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings.</p>	<p><b>(2) Density</b></p>																									
<p><b>Figure i: Lot Dimension Measurement</b></p> 	<table border="1"> <tr> <td>Dwelling Units/Acre (maximum)</td> <td>8.0</td> </tr> </table>		Dwelling Units/Acre (maximum)	8.0																						
Dwelling Units/Acre (maximum)	8.0																									
<p><b>Figure ii. Setback Measurement</b></p> 	<p><b>(3) Lot Dimensions</b></p> <table border="1"> <tr> <td>(a) Lot Area (minimum) sq.ft.</td> <td>5,000</td> </tr> <tr> <td>(b) Gross Living Area (minimum) sq. ft.</td> <td>1,000</td> </tr> <tr> <td>(c) Lot Width (minimum) feet</td> <td>50</td> </tr> <tr> <td>(d) Lot Depth (minimum) feet</td> <td>60</td> </tr> </table>		(a) Lot Area (minimum) sq.ft.	5,000	(b) Gross Living Area (minimum) sq. ft.	1,000	(c) Lot Width (minimum) feet	50	(d) Lot Depth (minimum) feet	60																
(a) Lot Area (minimum) sq.ft.	5,000																									
(b) Gross Living Area (minimum) sq. ft.	1,000																									
(c) Lot Width (minimum) feet	50																									
(d) Lot Depth (minimum) feet	60																									
<p><b>Figure ii-a. Setback Measurement for Zero Lot Line</b></p> 	<p><b>(4) Setbacks</b></p> <table border="1"> <tr> <td>(e) Street, Front (minimum) feet</td> <td></td> </tr> <tr> <td>    Arterial or Collector</td> <td>20</td> </tr> <tr> <td>    Local Street</td> <td>20</td> </tr> <tr> <td>(f) Street, Side (minimum) feet</td> <td></td> </tr> <tr> <td>    All roadways</td> <td>10</td> </tr> <tr> <td>    Alleys/private easements</td> <td>5</td> </tr> <tr> <td>(g) Rear (minimum) feet</td> <td>5</td> </tr> <tr> <td>    Alley</td> <td>5</td> </tr> <tr> <td>    Any residential lot</td> <td>10</td> </tr> <tr> <td>(h) Side, Interior (minimum) feet</td> <td>5</td> </tr> </table> <p>Setbacks for Zero Lot Line:</p> <table border="1"> <tr> <td>(h1) Side, Interior (minimum) feet (on one interior side)</td> <td>0</td> </tr> <tr> <td>(h2) Side, Interior (minimum) feet (on other interior side)</td> <td>15</td> </tr> </table>		(e) Street, Front (minimum) feet		Arterial or Collector	20	Local Street	20	(f) Street, Side (minimum) feet		All roadways	10	Alleys/private easements	5	(g) Rear (minimum) feet	5	Alley	5	Any residential lot	10	(h) Side, Interior (minimum) feet	5	(h1) Side, Interior (minimum) feet (on one interior side)	0	(h2) Side, Interior (minimum) feet (on other interior side)	15
(e) Street, Front (minimum) feet																										
Arterial or Collector	20																									
Local Street	20																									
(f) Street, Side (minimum) feet																										
All roadways	10																									
Alleys/private easements	5																									
(g) Rear (minimum) feet	5																									
Alley	5																									
Any residential lot	10																									
(h) Side, Interior (minimum) feet	5																									
(h1) Side, Interior (minimum) feet (on one interior side)	0																									
(h2) Side, Interior (minimum) feet (on other interior side)	15																									
<p><b>Figure iii. Height Measurement</b></p> 	<p><b>(5) Height (maximum) feet</b></p> <table border="1"> <tr> <td>(i) To highest level eave or parapet</td> <td>35</td> </tr> <tr> <td>(j) To top of the roof structure</td> <td>45</td> </tr> </table>		(i) To highest level eave or parapet	35	(j) To top of the roof structure	45																				
(i) To highest level eave or parapet	35																									
(j) To top of the roof structure	45																									
<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	<table border="1"> <tr> <td>All buildings on the lot</td> <td>45%</td> </tr> </table>		All buildings on the lot	45%																						
All buildings on the lot	45%																									

**4.2.7 Neighborhood Conservation District (NC)**

<p><b>(1) Purpose:</b></p>	<p><b>(2) Density</b></p>	
<p>The Neighborhood Conservation (NC) district is intended to preserve the existing pattern of traditional neighborhoods with predominantly single-family detached residential uses with accessory dwelling units or granny flats and accessory buildings. Additional standards per <b>Article VI</b> shall apply.</p>	<p>Dwelling Units/Acre (maximum)</p>	<p>8</p>
<p><b>Figure i: Lot Dimension Measurement</b></p>	<p><b>(3) Lot Dimensions</b></p>	
	<p>(a) Lot Area (minimum) sq. ft.</p>	<p>5,000</p>
<p><b>Figure ii. Setback Measurement</b></p>	<p>(b) Gross Living Area (minimum) sq. ft.</p>	<p>1,000</p>
	<p>(c) Lot Width (minimum) feet</p>	<p>40</p>
<p><b>Figure iii. Height Measurement</b></p>	<p>(d) Lot Depth (minimum) feet</p>	<p>60</p>
	<p><b>(4) Setbacks</b></p>	
	<p>(e) Street, Front (minimum) feet</p>	<p>Avg. setback along the block</p>
	<p>Street, Front (maximum) feet</p>	<p>40</p>
	<p>(f) Street, Side (minimum) feet</p>	
	<p>All roadways</p>	<p>10</p>
	<p>Alleys/private easements</p>	<p>5</p>
	<p>(g) Rear (minimum) feet</p>	
	<p>Alley/private easement</p>	<p>5</p>
	<p>Any residential lot</p>	<p>10</p>
	<p>(h) Side, Interior (minimum) feet</p>	<p>5</p>
	<p><b>(5) Height (maximum) feet</b></p>	
	<p>(i) To highest level eave or parapet</p>	<p>35</p>
	<p>(j) To top of the roof structure</p>	<p>45</p>
	<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	
	<p>All structures on the lot</p>	<p>70%</p>
	<p><b>Note:</b></p>	
	<p>For NC-MF1 see: <b>4.2.10 Multi-Family Residential District 1 (MF-1)</b></p>	
	<p>For NC-MF2 see: <b>4.2.11 Multi-Family Residential District 2 (MF-2)</b></p>	
	<p>For NC-D see: <b>4.2.8 Residential Duplex District (D)</b></p>	
	<p><b>Per Article 5.2.2:</b></p>	
	<ul style="list-style-type: none"> <li>In the NC Zoning district, Duplex shall only be permitted on lots designated as NC-D on the Zoning Map</li> </ul>	
	<ul style="list-style-type: none"> <li>In the NC Zoning district, Multi-family uses shall only be permitted on lots designated as NC-MF1 and NC-MF2 on the Zoning Map</li> </ul>	

**4.2.8 Residential Duplex District (D)**

<p><b>(1) Purpose:</b></p>	<p><b>(2) Density</b></p>	
<p>The Residential Duplex (D) district is established and intended to encourage a wide range of low- to medium-density housing types, especially single-family attached and duplexes, though single-family detached is also allowed to meet the diverse needs of city residents. The district standards are designed for transition from areas of single-family neighborhoods to multi-family districts at appropriate locations throughout the city. Maximum residential density is limited to 12 units per gross acre.</p>	<p>Dwelling Units/Acre (maximum)</p>	<p>12</p>
<p><b>Figure i: Lot Dimension Measurement</b></p>	<p><b>(3) Lot Dimensions</b></p>	
	<p>(a) Lot Area (minimum) sq. ft.</p>	<p>5,000</p>
<p><b>Figure ii. Setback Measurement</b></p>	<p>(b) Gross Living Area (minimum) sq. ft./unit</p>	<p>800</p>
	<p>(c) Lot Width (minimum) feet</p>	<p>60</p>
<p><b>Figure iii. Height Measurement</b></p>	<p>(d) Lot Depth (minimum) feet</p>	<p>60</p>
	<p><b>(4) Setbacks</b></p>	
	<p>(e) Street, Front (minimum) feet</p>	<p>20</p>
	<p>(f) Street, Side (minimum) feet</p>	
	<p>All roadways</p>	<p>10</p>
	<p>Alleys/private easements</p>	<p>5</p>
	<p>(g) Rear (minimum) feet</p>	
	<p>Alley/private easement</p>	<p>5</p>
	<p>Any single-family residential lot</p>	<p>10</p>
	<p>(h) Side, Interior (minimum) feet</p>	<p>5</p>
	<p><b>(5) Height (maximum) feet</b></p>	
	<p>(i) To highest level eave or parapet</p>	<p>35</p>
	<p>(j) To top of the roof structure</p>	<p>45</p>
	<p><b>(6) Lot Coverage (maximum) Percentage</b></p>	
	<p>All structures on the lot</p>	<p>70%</p>

**4.2.9 Townhome District (TH)**

**(1) Purpose:**  
 The Townhome (TH) district is established and intended to encourage a range of medium-density housing types, especially single-family attached or rowhomes (not to exceed 4 dwelling units/lot). The district standards are designed for transition from areas of single-family neighborhoods to multi-family districts at appropriate locations throughout the city.

**Figure i: Lot Dimension Measurement**

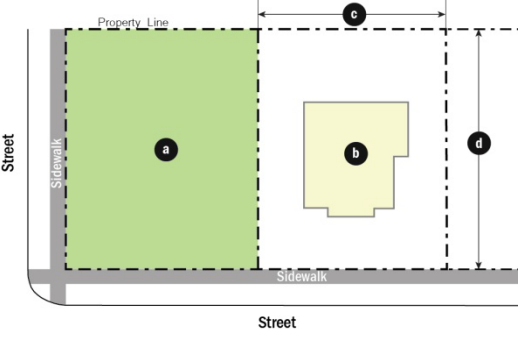
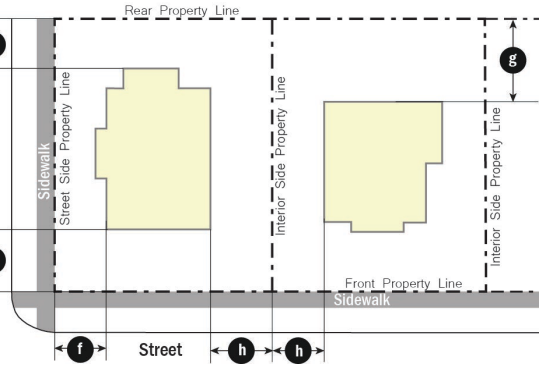
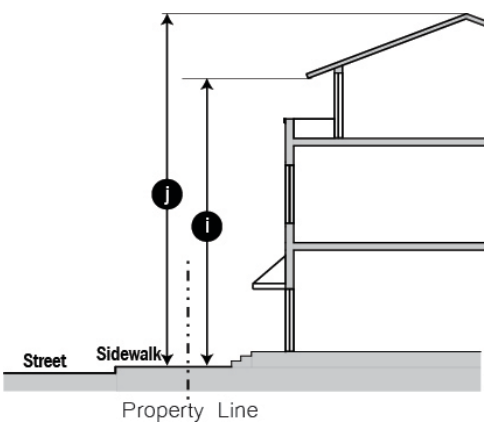
**Figure iia. Setback Measurement (Single Family Attached)**

**Figure iib. Setback Measurement (4 units per lot)**

<b>(2) Density</b>	
Dwelling Units/Acre (maximum)	14 (Option 1) 16 (Option 2)
<b>(3) Lot Dimensions (Option 1) FRONT PARKING</b>	
(a) Lot Area (minimum) sq. ft./each unit	3,000
(b) Gross Living Area (minimum) sq. ft./unit	1,000
(c) Lot Width (minimum) feet	43
(d) Lot Depth (minimum) feet	Varies
<b>(4) Lot Dimensions (Option 2) REAR PARKING VIA ALLEY REQUIRED</b>	
(a) Lot Area (minimum) sq. ft./each unit	2,500
(b) Gross Living Area (minimum) sq. ft./unit	1,000
(c) Lot Width (minimum) feet	25
(d) Lot Depth (minimum) feet	Varies
<b>(5) Setbacks</b>	
(e) Street, Front (minimum) feet	20 (Option 1) 10 (Option 2)
(f) Street, Side (minimum) feet	
All roadways	5
Alleys/private easements	5
(g) Rear (minimum) feet	
Any single-family residential lot	10 (Option 1) 20 (Option 2)
(h) Side, Interior (minimum) feet	
h1 Single-Family attached	0
h2 Multi-family (no more than 4 units per lot)	5
<b>(6) Height (maximum) feet</b>	
(i) To highest level eave or parapet	35
(j) To top of the roof structure	45
<b>(7) Lot Coverage (maximum) Percentage</b>	
All structures on the lot	70%

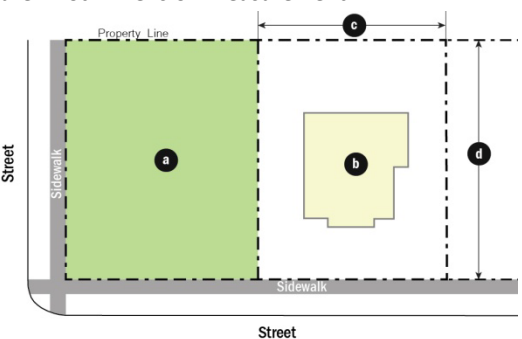

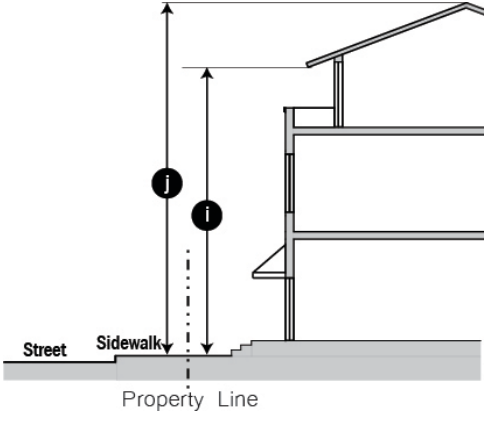
**Figure iii. Height Measurement**

**4.2.10 Multi-Family Residential District 1 (MF-1)**

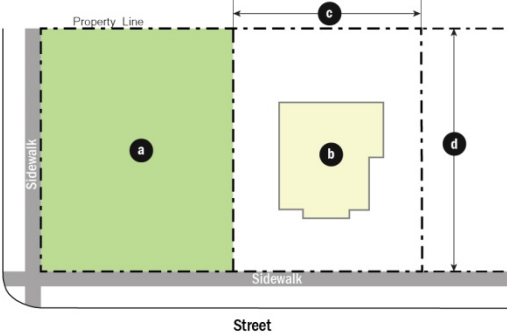
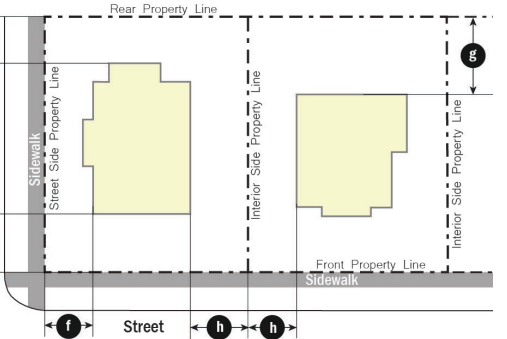
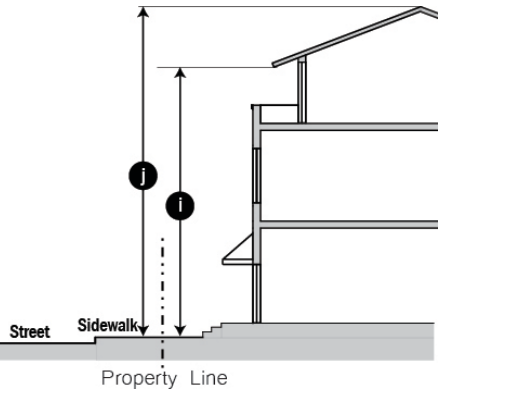
<p><b>(1) Purpose:</b></p> <p>The Multi-Family Residential district 1 (MF-1) is established to provide opportunities for medium-density multi-family residential uses with a maximum density of 18 dwelling units per acre, which are designed to be compatible with their sites and surroundings.</p> <p><b>Figure i: Lot Dimension Measurement</b></p>  <p><b>Figure ii: Setback Measurement</b></p>  <p><b>Figure iii: Height Measurement</b></p> 	<b>(2) Density</b>	
	Dwelling Units/Acre (maximum)	18
	<b>(3) Lot Dimensions</b>	
	(a) Lot Area (minimum) sq. ft.	6,000
	(b) Average Gross Living Area (minimum) sq. ft./unit	800
	(c) Lot Width (minimum) feet	60
	(d) Lot Depth (minimum) feet	100
	<b>(4) Setbacks</b>	
	(e) Street, Front (minimum) feet	10
	(f) Street, Side (minimum) feet	
	All roadways	5
	Alleys/private easements	5
	(g) Rear (minimum) feet	
	Alley/private easement	5
Any single-family residential lot	10	
(h) Side, Interior (minimum) feet	5	
<b>(5) Height (maximum) feet</b>		
(i) To highest level eave or parapet	45	
(j) To top of the roof structure	55	
<b>(6) Lot Coverage (maximum) Percentage</b>		
All structures on the lot	75%	



**4.2.11 Multi-Family Residential District 2 (MF-2)**

<p><b>(1) Purpose:</b></p> <p>The Multi-Family Residential district 2 (MF-2) is established to provide opportunities for medium-density multi-family residential uses with a maximum density of 22 dwelling units per acre, which are designed to be compatible with their sites and surroundings.</p> <p><b>Figure i: Lot Dimension Measurement</b></p>  <p><b>Figure ii. Setback Measurement</b></p>  <p><b>Figure iii. Height Measurement</b></p> 	<p><b>(2) Density</b></p>	
	<p>Dwelling Units/Acre (maximum)</p>	<p>22</p>
<p><b>(3) Lot Dimensions</b></p>		
<p>(a) Lot Area (minimum) sq. ft.</p>	<p>6,000</p>	
<p>(b) Average Gross Living Area (minimum) sq. ft./unit</p>	<p>800</p>	
<p>(c) Lot Width (minimum) feet</p>	<p>60</p>	
<p>(d) Lot Depth (minimum) feet</p>	<p>100</p>	
<p><b>(4) Setbacks</b></p>		
<p>(e) Street, Front (minimum) feet</p>	<p>10</p>	
<p>(f) Street, Side (minimum) feet</p>	<p></p>	
<p>All roadways</p>	<p>5</p>	
<p>Alleys/private easements</p>	<p>5</p>	
<p>(g) Rear (minimum) feet</p>	<p></p>	
<p>Alley/private easement</p>	<p>5</p>	
<p>Any single-family residential lot</p>	<p>10</p>	
<p>(h) Side, Interior (minimum) feet</p>	<p>5</p>	
<p></p>		
<p><b>(5) Height (maximum) feet</b></p>		
<p>(i) To highest level eave or parapet</p>	<p>45</p>	
<p>(j) To top of the roof structure</p>	<p>55</p>	
<p><b>(6) Lot Coverage (maximum) Percentage</b></p>		
<p>All structures on the lot</p>	<p>75%</p>	

**4.2.12 Manufactured Home District**

<p><b>(1) Purpose:</b></p>	<p><b>(2) Density</b></p>	
<p>The Manufactured Home (MH) district provides for an affordable option for single-family residential accommodations. These standards provide appropriate requirements for density, spacing, and uses and to provide for a separate district designated for the specific purpose of providing, at appropriate locations, areas for the development of Manufactured Homes.</p> <p><b>Figure i: Lot Dimension Measurement</b></p> 	<p>Dwelling units/Acre (maximum)</p>	<p>8</p>
	<p><b>(3) Lot Dimensions (minimum)</b></p>	
	<p>(a) Lot Area (minimum) sq. ft.</p>	<p>5,000</p>
	<p>(b) Gross Living Area (minimum) sq. ft.</p>	<p>700</p>
<p>(c) Lot Width (minimum) feet</p>	<p>40</p>	
<p>(d) Lot Depth (minimum) feet</p>	<p>60</p>	
<p><b>(4) Setbacks</b></p>		
<p>(e) Street, Front (minimum) feet</p>		
<p style="padding-left: 40px;">Arterial or Collector</p>		<p>20</p>
<p style="padding-left: 40px;">Local Street</p>		<p>15</p>
<p>(f) Street, Side (minimum) feet</p>		
<p style="padding-left: 40px;">All roadways</p>		<p>10</p>
<p style="padding-left: 40px;">Alleys/private easements</p>		<p>5</p>
<p>(g) Rear (minimum) feet</p>		<p>5</p>
<p style="padding-left: 40px;">Alley/private easement</p>		<p>5</p>
<p style="padding-left: 40px;">Any residential lot</p>		<p>10</p>
<p>(h) Side, Interior (minimum) feet</p>		<p>5</p>
<p><b>(5) Height (maximum) feet</b></p>		
<p>(i) To highest level eave or parapet</p>		<p>35</p>
<p>(j) To top of the roof structure</p>		<p>45</p>
<p><b>(6) Lot Coverage (maximum) Percentage</b></p>		
<p>All structures on the lot</p>		<p>60%</p>
<p><b>Figure ii. Setback Measurement</b></p> 		
<p><b>Figure iii. Height Measurement</b></p> 		

## **4.3 COMMERCIAL ZONING DISTRICTS**

### **4.3.1 General Purposes of Commercial Zoning Districts**

The commercial zoning districts are intended to:

- (1) Accommodate a range of non-residential uses including office, retail, commercial, and service uses needed by Ennis.
- (2) Encourage site planning, land use planning, and architectural design that create interesting and attractive environments.
- (3) Maintain and enhance the city's economic base and provide a range of shopping, entertainment and employment opportunities for the residents and visitors of Ennis.
- (4) Minimize potential negative impacts of commercial development on adjacent residential neighborhoods.
- (5) Help ensure that the appearance and operational impacts of commercial developments do not adversely affect the character of the areas in which they are located.

### 4.3.2 Neighborhood Commercial (C)

<p><b>(1) Purpose</b></p> <p>The Neighborhood Commercial (C) zoning district is intended to provide for locally serving office, retail, personal service, and businesses. Development should be compatible in scale, character, and intensity with adjacent neighborhoods while having convenient access to both pedestrians and automobiles. The district's standards are intended to protect adjacent residential areas. This district could be located adjacent to residential uses.</p>	<b>(2) Density</b>	
	Dwelling units/acre	NA
	<b>(3) Lot Dimensions</b>	
	Lot Area (minimum) square feet	5,000
	<b>(4) Setbacks (minimum) feet</b>	
	Street	
	Freeway, freeway frontage road, or arterial roadway	20
	All other streets	10
	Interior	
	Side	10
Rear	10	
Adjacent to single-family residential (side or rear)	20	
<b>(5) Height stories and feet (maximum)</b>		
To the highest level eave or parapet	2 stories or 35 feet	
<b>(6) Lot Coverage (maximum) percentage</b>		
All structures on the lot	60%	

**Illustrative Images**



**4.3.3 Business Park District (BP)**

<b>(1) Purpose</b>	<b>(2) Density</b>	
<p>The Business Park (BP) zoning district is intended to provide for the development of a range of office, employment, professional service, and business support uses including office and business parks, corporate campuses, and garden-style offices near or adjacent to residential neighborhoods. This district is appropriate along the US 287 highway corridor and portions along the IH-45 Corridor. Landscaping along the highway frontage, adequate street access and parking capacity should be available to serve the office uses.</p>	Dwelling units/acre	NA
	<b>(3) Lot Dimensions</b>	
	Lot Area (minimum) square feet	5,000
	<b>(4) Setbacks (minimum) feet</b>	
	Street	
	Freeway, freeway frontage road, or arterial roadway	20
	All other streets	10
	Interior	
	Side	20
	Rear	10
Adjacent to single-family residential (side or rear)	20	
<b>(5) Height stories and feet (maximum) (measured to the top of the eave or parapet)</b>		
Within 50 feet of any single-family residential uses	2 stories OR 35 feet	
All other	5 stories or 75 feet	
<b>(6) Lot Coverage (maximum) percentage</b>		
All structures on the lot	60%	

**Illustrative Images**



**4.3.4 Commercial Corridor District (CC)**

<p><b>(1) Purpose</b></p> <p>The Corridor Commercial (CC) district is intended primarily to provide sites for community and regional retail shopping centers including stores selling items such as home furnishings, apparel, electronics, etc.; restaurants, commercial recreation; business, personal, and financial services. These uses are subject to frequent view by the public given their location along major regional arterials such as Business 287 (Ennis Avenue) and IH-45, and they should provide an attractive appearance with landscaping, well-designed and appropriately located parking, and controlled traffic movement. Traffic generated by the uses may include high volumes of vehicle traffic, and trucks and commercial vehicles as appropriate for sites adjacent to regional roadways. Although surface parking along the roadway is permitted, strip-type development along the entire highway or arterial frontage is strongly discouraged.</p>	<p><b>(2) Density</b></p> <p>Dwelling units/acre NA</p>
	<p><b>(3) Lot Dimensions</b></p> <p>Lot Area (minimum) square feet 10,000</p>
	<p><b>(4) Setbacks (minimum) feet</b></p> <p>Street</p> <p>Freeway, freeway frontage road, or arterial roadway 20</p> <p>All other streets 20</p> <p>Interior</p> <p>Side 20</p> <p>Rear 20</p> <p>Adjacent to single-family residential (side or rear) 40</p>
	<p><b>(5) Height stories and feet (maximum) (measured to the top of the eave or parapet)</b></p> <p>Within 50 feet of any single-family residential uses 2 stories or 35 feet</p> <p>All other 5 stories or 75 feet</p>
	<p><b>(6) Lot Coverage (maximum) percentage</b></p> <p>All structures on the lot 75%</p>



## **4.4 INDUSTRIAL DISTRICTS**

### **4.4.1 General Purposes of Industrial Zoning Districts**

The industrial zoning districts are intended to:

- (1) Accommodate a range of industrial uses including storage, logistics, assembly, and manufacturing uses in Ennis.
- (2) Encourage site planning, land use planning, and architectural design that create attractive but functional environments.
- (3) Maintain and enhance the city’s economic base and provide a range of employment and manufacturing opportunities for Ennis residents.
- (4) Minimize potential negative impacts of industrial uses on other adjacent uses.
- (5) Help ensure that the appearance and operational impacts of industrial developments do not adversely affect the character of the areas in which they are located.

**4.4.2 Light Industrial and Manufacturing District (L-IM)**

<p><b>(1) Purpose</b>                  The Light Industrial and Manufacturing (L-IM) district is intended to provide for the development of research, light industrial, processing, assembly, high-tech manufacturing, warehousing, logistics, and other indoor light industrial uses, as well as supporting business service and office uses. Uses permitted in this district are intended to serve community and regional needs. This district is intended to be located away from low- and medium-density residential development with good regional roadway access.</p>	<b>(2) Density</b>	
	Dwelling units/acre	NA
	<b>(3) Lot Dimensions</b>	
	Lot Area (minimum) square feet	10,000
	<b>(4) Setbacks (minimum) feet</b>	
	Street	
	Freeway, freeway frontage road, or arterial roadway	20
	All other streets	20
	Interior	
	Side	10
Rear	10	
	Adjacent to single-family residential (side or rear)	30
<b>(5) Height stories and feet (maximum) (measured to the top of the eave or parapet)</b>		
Within 50 feet of any single-family residential uses (as measured from the residential property line)	2 stories or 35 feet	
All other	5 stories or 75 feet	
<b>(6) Lot Coverage (maximum) percentage</b>		
All structures on the lot	80%	

**Illustrative Images**





### 4.4.3 Heavy Industrial and Manufacturing District (H-IM)

<p><b>(1) Purpose</b></p> <p>The Heavy Industrial and Manufacturing (H-IM) district is intended to provide for the development of heavy industrial and manufacturing uses, as well as supporting business and office uses. Uses permitted in this district are intended to serve community and regional needs. This district is intended to be located away from low and medium density residential development and buffered from other adjoining uses.</p>	<p><b>(2) Density</b></p>	
	Dwelling units/acre	NA
	<p><b>(3) Lot Dimensions</b></p>	
	Lot Area (minimum) square feet	10,000
	<p><b>(4) Setbacks (minimum) feet</b></p>	
	Street	
	Freeway, freeway frontage road, or arterial roadway	20
	All other streets	10
	Interior	
	Side	10
Rear	10	
	Adjacent to single-family residential (side or rear)	50
<p><b>(5) Height stories and feet (maximum) (measured to the top of the eave or parapet)</b></p>		
Within 75 feet of any single-family residential uses (as measured from the residential property line)	2 stories or 35 feet	
All other	5 stories or 75 feet	
<p><b>(6) Lot Coverage (maximum) percentage</b></p>		
All structures on the lot	80%	

**Illustrative Images**



## **4.5 PUBLIC / INSTITUTIONAL ZONING DISTRICTS**

### **4.5.1 General Purposes of Public Zoning Districts**

The public/institutional zoning districts are intended to:

- (1) Accommodate a range of public and civic uses with the city's residential and commercial districts.
- (2) Encourage site planning, land use planning, and architectural design that allow public and civic uses to better fit the adjoining context.
- (3) Encourage the preservation of environmentally sensitive areas as parks and open space where appropriate.
- (4) Ensure that any adverse impacts associated with public uses such as parking and traffic are considered with the context of the neighborhood and adjoining uses.
- (5) Help ensure that the appearance and operational impacts of public and civic uses do not adversely affect the character of the areas in which they are located.

### 4.5.2 Public and Parks (PP)

#### (1) Purpose

The PP zoning district is intended to provide for public and park sites. These include city, county and other government offices and facilities, parks and other public facilities. Depending on the type of facility, site design and standards need to address access, transitions, and integration into the neighborhood. Civic and public buildings should occupy prominent sites within a neighborhood such as at the end of a terminated vista or a center of a block or public plaza. Standards for this zoning district shall be flexible based on the use and/or building proposed.

Public parks and open space should be integrated with the neighborhood and provide for a variety of open space types including generally equal acreages of active and passive spaces.

#### Illustrative Images



### 4.5.3 Institutional and Civic (IC)

#### (1) Purpose

The IC zoning district is intended to provide for a range of institutional and civic uses. These include religious institutions, schools, community centers, hospitals, and similar uses that provide a service to the community at large. Depending on the type of facility, site design and standards need to address access, transitions, and integration into the neighborhood. Standards for this zoning district shall follow the zoning district standards for adjoining uses with flexibility to address site-specific concerns.

#### Illustrative Images



## 4.6 SPECIAL ZONING DISTRICTS

### 4.6.1 General Purposes of Special Zoning Districts

The special zoning districts are intended to:

- (1) Implement the vision for key areas within the city such as Downtown, the Lake Bardwell/US 287 Neighborhoods and Kaufman Corridor.
- (2) Provide for a flexible zoning tool in the form of planned development standards intended to implement different development projects that can better respond to changing market demand.
- (3) Encourage site planning, land use planning, and architectural design that create interesting, pedestrian-friendly and walkable environments.
- (4) Maintain and enhance the city's economic base and provide shopping, entertainment and employment opportunities close to where people live and work.
- (5) Provide for a range of housing types within the context of mixed use, walkable developments to maximize long-term sustainability.

### 4.6.2 Planned Development

- (1) Purpose and Intent: The Planned Development (PD) District is established to provide an alternative to the base zoning districts and special zoning districts established in this Ordinance. The PD district is intended to accomplish the following:
  - (a) To permit greater flexibility for new development or redevelopment projects to best utilize the physical features of the particular site in exchange for greater public benefits that would otherwise be achieved through development under this Ordinance.
  - (b) To ensure that any development impact that occur through the use of greater flexibility in development standards and uses are offset by public benefits and any negative impacts are mitigated to the extent feasible so as minimize the impacts on adjoining properties.
  - (c) To encourage the provision and preservation of meaningful and usable open space.
  - (d) To encourage innovative and integrated design of buildings and uses within a larger master planned context of the PD district.
- (2) Review Procedures: The review and approval procedures in **Article III: Review Procedures** under Concept Plans, Development Plan, and Site Plan shall apply.

### 4.6.3 Downtown District

- (1) The standards in Downtown District in **Article VI: Building and Urban Design Standards** shall form the exclusive regulations for all development within the boundary of the Downtown District.

The area defined as the Downtown District is illustrated in Figure 4.6-1.

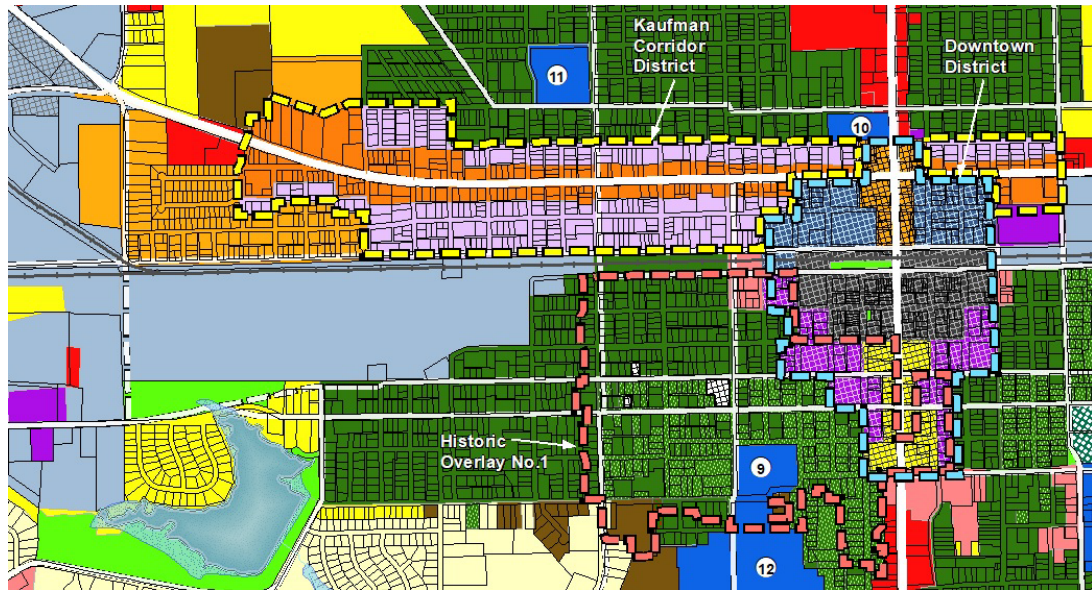


Figure 4.6-1 – Downtown District

#### 4.6.4 Kaufman Corridor District

Boundaries of the Kaufman Corridor District and associated sub-districts are each based on Figure 4.6-2 – Kaufman Corridor District Zoning Map. The Kaufman Corridor District shall be composed of two sub-districts – Core and Transition. The following section provides the standards for setbacks, height, and density within the Kaufman Corridor sub-districts.

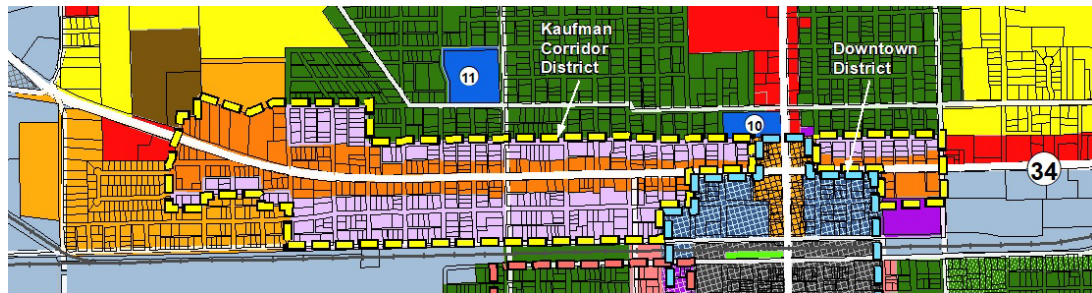


Figure 4.6-2 – Kaufman Corridor District

(1) Kaufman Corridor Core District

A. Purpose	B. Density	
<p>The KC-Core zoning district is intended to provide for the gradual transition of the Kaufman Corridor into a more walkable street with redevelopment and infill along the underutilized corridor. Adequate streets and connections already exist, so the focus is to create more activation of the frontage along Kaufman St. Such activation should allow property owners additions to the building fronts along Kaufman such as outdoor patios, canopies, and kiosks to create a more inviting character. Kaufman St. should evolve into a more bike and pedestrian friendly street with continuous sidewalks and streetscape improvements. All off-street parking in this district shall be placed to the rear or to the side of the primary buildings.</p>	Dwelling units/acre <span style="float: right;">NA</span>	
	C. Lot Dimensions	
	Lot Width (minimum) feet <span style="float: right;">20</span>	
	D. Setbacks (minimum and maximum) feet	
	Street	
	Kaufman St.	10 min.; 20 max.
	All other streets	5 min.; no max.
	Interior	
	Side	0 min. or per fire separation standards
	Rear	5 min.
		E. Height stories and feet (maximum)
To the highest-level eave or parapet <span style="float: right;">3 stories or 45 feet</span>		
		F. Lot Coverage (maximum) percentage
All structures on the lot <span style="float: right;">90%</span>		
		G. Frontage Build-out
Min. build out required along Kaufman St. <span style="float: right;">70%</span>		

**Illustrative Images**



(2) Kaufman Corridor Transition District

A. Purpose	B. Density
<p>The KC-Transition district is intended to provide for the development of smaller lot live-work, residential and office and small-scale retail uses that can provide a transition from the higher intensity along the Kaufman Corridor to the residential character of the adjoining neighborhoods. This district shall generally extend a half to a block on either side of the Core district. Adequate streets and connections already exist, so focus on creating frontages that are pedestrian friendly and building heights and scales that respect the neighborhood integrity are important.</p>	Dwelling units/acre 20
	C. Lot Dimensions
	(1) Lot Width (minimum) feet 25
	(2) Single Family Detached Gross Living Area (minimum) square feet 1,000
	D. Setbacks (minimum) feet
	Street
	Primary Street 10
	Secondary Streets 5
	Interior
	Side 0 or per fire separation standards
Rear 5	
	Adjacent to single-family residentially zoned lots (side or rear) 5
	E. Height stories and feet (maximum)
	To the highest-level eave or parapet 2 stories or 35 feet
	F. Lot Coverage (maximum) percentage
	All structures on the lot 70%

**Illustrative Images**





#### 4.6.5 Regional Mixed Use District Standards

- (1) General. The Regional Mixed Use District is intended to implement the land use and development goals of the US 287/Lake Bardwell Focus area recommendations in the 2015 Comprehensive Plan Update. The Zoning Framework Plan shall be established by applicants through the creation of Concept Plans at the time of zoning change to the RMU District.
- (2) Sub-districts Established:
  - (a) Highway Mixed Use. Intended to be used for commercial uses and mixed use developments for urban, semi-urban or suburban developments. Generally, this sub-district should only be used for lots that are contiguous with US 287 Highway.
  - (b) Mixed Use Transition. Intended to have a mix of neighborhood services, small office and variety of housing types (including multi-family) to appropriately transition from neighborhood residential to commercial uses.
  - (c) Mixed Use Neighborhood. Primarily single-family residential with a variety of housing types and lot sizes.
- (3) Concept Plan: A Concept Plan shall be required with a zoning change application and shall include the minimum acreage required for a Concept Plan in the RMU district. All zoning change requests to the RMU District shall include a Concept Plan with delineation of the sub-districts and meeting the following requirements:
  - (a) At least two of the three sub-districts shall be used within a Concept Plan.
  - (b) If Mixed Use Neighborhood is used in conjunction with Highway Mixed Use, the Mixed Use Transition sub-district shall be located in between the two as a transition or buffer.
  - (c) Generally, if the RMU district is adjacent to existing or planned single-family zoning district or any neighborhood land use designation, the Highway Mixed Use sub-district shall be placed at least 200 feet from the single-family use /zoning district property line, with Mixed Use Transition and/or Mixed Use Neighborhood being designated within that 200-foot area.
  - (d) Street Types: Pedestrian Oriented Streets are used within the Concept Plan to achieve a higher level of pedestrian activity and connectivity. The amount of the required Pedestrian Oriented Streets in any one Concept Plan is determined by the sub-district, within the Development Standards Table in Section (5) below. Pedestrian Oriented Streets include design considerations as follows:
    - i. Low-speed design to keep vehicle speeds at or below 25 mph
    - ii. Include the use of traffic calming designs (narrowing of pavement section, striping, elevated crosswalks, brick pavers, etc.)
    - iii. Limiting use of curb cuts along the Pedestrian Oriented Street
    - iv. Planting street trees between the curb and the sidewalk, or within tree wells in the sidewalk area
    - v. Adhering to the setback range according to the Development Standards Table
    - vi. Utilizing shading devices along the non-residential or mixed-use building frontage, such as porches, awnings, pergolas and other similar shade devices

(e) In order to produce a Concept Plan, the development standards in Table 4.6-1 shall be used. Where items are marked as “flexible” the applicant shall provide a proposed standard with Concept Plan submittal.

<b>Table 4.6-1: Regional Mixed Use District Development Standards</b>				
<b>Development Standard</b>	<b>Sub-District</b>	<b>Highway Mixed Use</b>	<b>Mixed Use Transition</b>	<b>Mixed Use Neighborhood</b>
<b>1. Building and Site Standards</b>				
a. Principal Building Height*		6 stories or 75 feet	3 stories or 45 feet	3 stories or 45 feet
* Building height shall be measured in number of stories. Habitable attics and mezzanines shall be excluded from the height calculation as long as they do not exceed 50% of the floor area of a typical floor in the same building. Heights shall be measured to the top of parapet or to the eaves of a pitched roof.				
b. Setbacks (max. and min.)**	Note about measuring setbacks: In cases where the ROW is established at or behind the curb line of streets, setbacks shall be measured from the edge of the pedestrian easement or streetscape zone or utility easement closest to the building face along that street.			
Front – Pedestrian Oriented Streets or improved public space		Min. setback = 5' - 15'; ^Max. setback = 25'	Min. setback = 5' - 15'; ^Max. setback = 25'	Min. setback = 5' - 15'; ^Max. setback = 25'
Front – US 287 or Arterials		Min. setback = 20'; Max. setback = flexible	Min. setback = 20'; Max. setback = flexible	Min. setback = 20'; Max. setback =
Front – All other streets		Min. setback = 5'; Max. setback = flexible	Min. setback = 5'; Max. setback = flexible	Min. setback = 5'; Max. setback =
Side		Flexible	Flexible	Min 10' when adjacent to single family
Rear		Flexible	Flexible	Min 10' when adjacent to single family
c. Minimum Building Frontage <sup>ε</sup>				
Along Pedestrian Oriented Streets		80%	70%	60%
All other Frontages		None required	None required	None required
<sup>ε</sup> Street intersections shall not be occupied by surface parking lots but should have buildings built within the setback range for a minimum of 30' from the corner along Pedestrian Oriented Streets. This standard shall only apply to any street intersection with a Pedestrian Oriented Street designation. Street frontages adjacent to open space shall be exempt from this requirement.				
d. Accessory buildings		Permitted	Permitted	Permitted
Standards for accessory buildings, structures and dwellings shall be provided by the applicant. The standards shall result in these accessory uses being smaller in size and scale to the principal building.				
e. Principal Building Orientation	Buildings shall be oriented to a Pedestrian Oriented frontage or toward another focal point such as open space or environmental feature. If neither is available, buildings shall orient toward any other street.			
f. Building Façade & Architectural Design Standards	The applicant shall propose appropriate building façade and architectural design standards for all the sub-districts in the development with the application for Concept Plan. They shall be based on the criteria established in <b>Article VI</b> .			
**Minimum and/or maximum setback standards shall be proposed by the applicant for each sub-district based on the above criteria and Development Standards established in this Section. All buildings shall be required to meet Fire Code and International Building Code as adopted by City of Ennis.				
^ Maximum setbacks along pedestrian oriented streets that are along improved public space (park, plaza or other civic feature) between the street/sidewalk and building face may exceed the standards established in this table by the total width of the open space.				
<b>2. Block and Lot Standards</b>				
a. Block Type	Regular (square or rectangular) Irregular blocks may be permitted only if natural topography, existing roadways, and/or vegetation prevents a rectilinear grid			
b. Block Perimeter (edge of a block may be created by public or private street, green space, or easement or a pedestrian passage) <sup>#</sup>		Max. block perimeter = 3,500'	Max. block perimeter = 3,000'	Max. block perimeter = 2,000'
<sup>#</sup> A private street or private drive is a street built to subdivision standards but is not dedicated as right-of-way and is maintained by private developer, organization or association.				

<b>Table 4.6-1: Regional Mixed Use District Development Standards</b>				
<b>Development Standard</b>	<b>Sub-District</b>	<b>Highway Mixed Use</b>	<b>Mixed Use Transition</b>	<b>Mixed Use Neighborhood</b>
c. Minimum Pedestrian Oriented Street (Frontages along open spaces shall be considered Pedestrian Oriented frontage) (shall be calculated as a percentage of all block frontage within each sub-district)		Minimum of 30% of all new block frontages	Minimum of 50% of all new block frontages	Minimum of 50% of all new block frontages
d. Lot Area		No minimum or maximum	No minimum or maximum	3,000 sq. ft. minimum
e. Lot Width		No minimum or maximum	20' width minimum	35' width minimum
f. Minimum Lot Size/Type Mix. Required		5,000 sq.ft.	<ul style="list-style-type: none"> <li>- Min. 20% and max. 50% of all units shall be multi-family or live-work, which shall transition to commercial development.</li> <li>- Min. 20% and max. 50% shall be townhomes or patio homes, which shall be used to transition between the multi-family and single family housing</li> <li>- Other housing types allowed in Mixed Use Neighborhood may also be permitted (lots under 50' in width only)</li> </ul>	Overall, at least 3 lot types with at least 20% minimum for each type used. Types: <ol style="list-style-type: none"> <li>1. Lot width of 48' or less in width (maximum of 30% of lots within Concept Plan)</li> <li>2. Lot width of 49'-59'</li> <li>3. Lot width of 59'-69'</li> <li>4. Lot width of 69' or greater</li> </ol>
g. Maximum Lot Coverage		90%	80%	70%
<b>3. Street Design Standards</b>				
These standards shall apply to all new streets, public and private, located in the RMU including any streets established by the city's Master Thoroughfare Plan where feasible. Streets shall provide a safe and inviting walking environment through an interconnected network of roads with sidewalks, street trees, street furniture, and amenities. Cul-de-sacs shall be limited to locations where natural features such as topography or stream corridors that prevent a street connection. The pedestrian zones, travel lane widths, turning radii, intersection design, bicycle facilities and other street elements shall be based on the <i>ITE Manual for Designing Walkable Urban Thoroughfares</i> and/or <i>NACTO's Urban Street Guide and Bicycle Guide</i> . Those standards may be adjusted based on the specific Concept Plan and/or Development Plan with the approval of the Administrator. Bicycle facility widths may be modified based on any city's adopted standards.				
a. On-street Parking (along all internal streets except alleys)				
<ul style="list-style-type: none"> <li>• Parallel</li> <li>• Angled (head-in or reverse angled).</li> </ul>		Permitted	Permitted	Permitted
<ul style="list-style-type: none"> <li>• Head in perpendicular</li> </ul>		Permitted only when it is not along a pedestrian oriented street	Permitted only when it is not along a pedestrian oriented street	Not permitted
b. Parking lane width (min.)				
<ul style="list-style-type: none"> <li>• Parallel</li> <li>• Angled</li> <li>• Head in</li> </ul>		8 feet 9 feet x 18-20 feet 9-10 feet	8 feet 9 feet x 18-20 feet 9-10 feet	8 feet 9 feet x 18-20 feet
c. Alleys <sup>1</sup>		Permitted	Permitted	Permitted
<b>4. Streetscape Standards</b>				
a. Sidewalks/ Walkways (min.)		6 feet	5 feet	5 feet
b. Trails (min.)		If trail is on any adopted city plan, use the specified width. Otherwise, must be 8' minimum.		
c. Street trees		Required	Required	Required/Flexible
The applicant shall submit a proposed street tree planting plan, including a tree palette and spacing as a part of the Landscape Concept Plan, which shall be reviewed as part of the Concept Plan or may be deferred to the Development Plan at the discretion of the Administrator.				

<sup>1</sup> All lots 49' and less in width shall have alley served garages.

<b>Table 4.6-1: Regional Mixed Use District Development Standards</b>				
<b>Development Standard</b>	<b>Sub-District</b>	<b>Highway Mixed Use</b>	<b>Mixed Use Transition</b>	<b>Mixed Use Neighborhood</b>
<b>5. Open Space Standards</b>				
a. Open Space*		Required (Squares, greens and plazas)	Required (Squares, greens, playgrounds, parks and plazas)	Required (Playgrounds, parks and greens)
*Overall open space allocations in the district shall be a minimum of 10% of the gross area of the entire site included in the Concept Plan and shall generally be distributed equally between the sub-districts. Up to 50% of storm water detention or retention, or preserved and enhanced floodplain (when incorporating passive or active recreation --i.e. trails, ball fields, etc.) shall be counted towards the open space requirement within the Concept Plan. Definitions for open space types and additional information on the design of Open Space shall be per <b>Article VII</b> .				
<b>6. Parking &amp; Screening Standards</b>				
a. Off-street Parking Minimum		<b>Article VI</b> shall apply		
b. Off-street Loading		Encouraged to be placed along an alley or parking area and not be placed along Pedestrian Oriented Streets. Screening required if along a street.		
c. Screening		Required for non-residential uses		
1. Trash/recycling receptacles		Flexible for residential uses but shall not be visible from a public right-of-way (other than an alley); trash collection shall be along alleys if alleys are provided		
2. Other utility equipment		See <b>Article VI</b>		
3. Loading spaces		Screening required for non-residential loading spaces per <i>Article VI</i> .		
4. Surface parking areas		Required/Flexible (shall be per <b>Article VI</b> standards or applicant may propose alternative screening standards at the time of Concept Plan.)		
<b>7. Landscape and Streetscape</b>				
a. Landscaping#		Required only for non-residential uses		
1. Landscape/Fencing buffer between surface parking and sidewalks/trails and streets (except alleys)		Landscaping shall be permitted to use fountains, outdoor speakers, and special lighting in gathering spaces, plazas and other public spaces.		
2. Parking lot minimum interior landscaping		<b>Article VII</b> shall apply.		
b. Lighting		Required		
		<ol style="list-style-type: none"> <li>1. Street lighting: Pedestrian oriented lighting shall be no taller than 16 feet high and shall be spaced an average of 50 feet on center and coordinated with street trees.</li> <li>2. Building/Unit Entrances: Shall have a minimum of one sconce or lighting device placed adjacent to the doorway.</li> <li>3. Parking Areas: Shall be lit according to industry standards.</li> <li>4. Trails and Sidewalks: In the absence of vehicular oriented lighting, pedestrian oriented lighting shall be used for appropriate lighting of the pedestrian facilities.</li> </ol>		
*The applicant shall provide a Landscape Concept Plan with the Concept Plan application that meets the requirements of <b>Article VI</b> and <b>Article VII</b> (Landscaping Article) or proposes equitable alternative standards to <b>Article VI</b> and <b>Article VII</b> . Alternative landscape standards shall identify landscape themes and general design approach addressing street tree planting, streetscape treatments, any required screening, parking lot landscaping, and landscaping proposed in all the identified open space areas. Information provided at the Concept Plan phase may be schematic meeting the design intent of the proposed development. All or portions of the Landscape Plan may be deferred until Development Plan or Site Plan with the approval of the Administrator.				

## 4.7 OVERLAY DISTRICTS

### 4.7.1 Historic Overlay Districts

- (1) Purpose and Intent: The City of Ennis has different historic neighborhoods including the Templeton-McCanless neighborhood and downtown. The purpose of the Overlay District standards is to provide for the protection, preservation, and enhancement of buildings, structures, sites, and areas of architectural, historical, archaeological, or cultural importance or value. Specifically, each Overlay District has the following expressed purposes:
  - (a) To stabilize and improve property values
  - (b) To encourage neighborhood conservation
  - (c) To foster civic pride in the beauty and accomplishments of the past
  - (d) To protect and enhance neighborhood reinvestment
  - (e) To strengthen and help diversify the economy of the city
  - (f) To promote the use of historical, cultural and architectural landmarks for the education, pleasure, and welfare of the community
- (2) Historic Overlay No. 1 District Standards: The Historic Overlay No. 1 (Figure 4.7-1) implements Ordinance 97-11-13 that created the originally referenced Residential Historic District #1, also referred to as the Templeton-McCanless Historic Area. The standards applicable to development in the Historic Overlay No. 1 are located in **Article VI: Building and Urban Design Standards**.

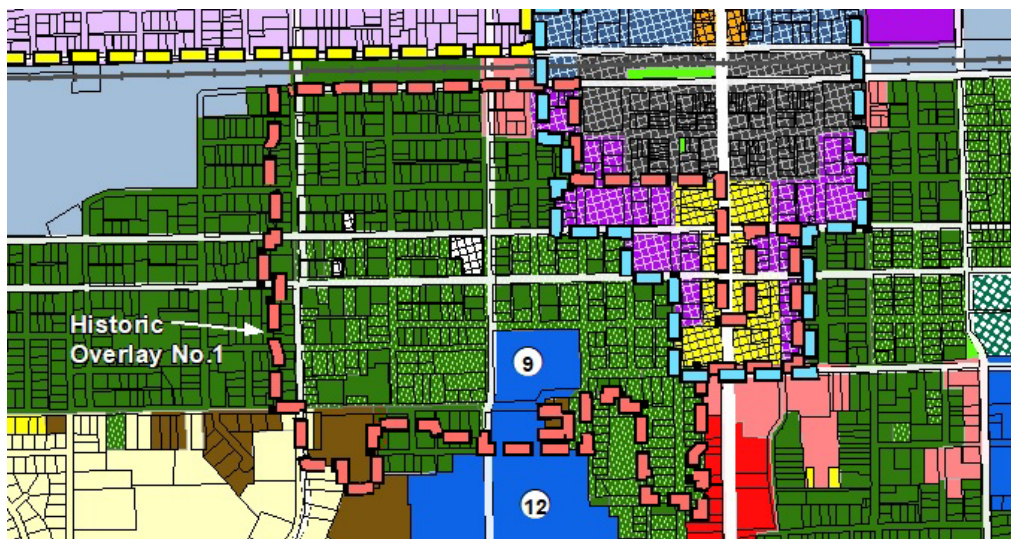


Figure 4.7-1: Historic Overlay No. 1

Historic Overlay No. 2 District Standards: The standards applicable to development in the Historic Overlay No. 2, also known as the Historic Downtown District Standards, are located in **Article VI: Building Design Standards** and Section 6.7, Historic Downtown District Standards.

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

**Article V – Use Standards**

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**CITY OF ENNIS, TEXAS**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**Article V – Use Standards**

## 5.1 TABLE OF ALLOWED USES

### 5.1.1 Purpose

Table 5.1-1: Table of Allowed Uses below list the uses allowed within all base and special zoning districts. Accessory and temporary uses are summarized in Tables 5.3-1: Accessory Uses and Structures and Table 5.4-1, Temporary Uses and Structures. All uses are defined in **Article XI: Definitions**. Approval of a use listed in this article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property or structure for any other use not specifically allowed in this article and approved under the appropriate process is prohibited.

### 5.1.2 Explanation of Use Table Abbreviations

- (1) PERMITTED BY-RIGHT USES: “■” in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Ordinance, including the supplemental use standards in this article and the requirements of **Article VI: Building and Urban Design Standards**.
- (2) USES REQUIRING A SPECIFIC USE PERMIT: “□” in a cell indicates that, in the respective zoning district, the use is allowed only if issued a Specific Use Permit, in accordance with the procedures of Section 3.3.3, Specific Use Permits (SUP). Uses requiring a Specific Use Permit are subject to all other applicable regulations of this Ordinance, including the supplemental use standards in this article and the requirements of **Article VI: Building and Urban Design Standards**.
- (3) PROHIBITED USES: A blank cell indicates that the use is prohibited in the respective zoning district.
- (4) ADDITIONAL USE STANDARDS: Regardless of whether a use is allowed by right, or permitted with a Specific Use Permit, there may be supplemental standards that are applicable to the use. The applicability of these standards is noted through a cross-reference in the last column of the table. An asterisk [\*] in a cell indicates that the use, whether permitted by right or as a special use, is permitted subject to additional use standards in that district. Cross-references refer to Section 5.2, Additional Use Standards, Section 5.3.6, Additional Accessory Use Standards, and Section 5.4.5, Additional Standards for Temporary Uses and Structures.
- (5) ALLOWED LAND USES IN PLANNED DEVELOPMENT DISTRICTS: Land uses in a Planned Development district are permitted as follows:
  - (a) If the PD Concept Plan specifically references a base zoning district:
    - i. Any land use permitted by right in the applicable underlying base zoning district, as amended, may be permitted.
    - ii. Any land use requiring a Specific Use Permit in the applicable underlying base zoning district, as amended, is only allowed if a Specific Use Permit is issued for the use.
    - iii. Any land use prohibited in the underlying base zoning district, as amended, is

also prohibited in the PD district unless no base zoning district is chosen and a new set of land uses is defined and specified.

- (b) The PD district may list the permitted, prohibited, and Specific Use Permit uses separately.
- (c) A combination of the above.

### **5.1.3 Use Table Organization**

In Table 5.1-1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within these use categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

### **5.1.4 Classification of New and Unlisted Uses**

The city recognizes that new types of land uses will arise and forms of land use not anticipated in this Ordinance may seek to locate in the city. When application is made for a use category or use type that is not specifically listed in the appropriate use table, the Administrator shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

- (1) The Administrator shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:
  - (a) The actual or projected characteristics of the proposed use
  - (b) The volume and type of sales, retail, wholesale, etc. for commercial uses
  - (c) The size and type of items sold and nature of inventory on the premises
  - (d) The type and number of customers and employees
  - (e) The hours of operation
  - (f) The size and arrangement of buildings and parking on the site
  - (g) The amount of parking needed and estimate of trips generated by the proposed use
  - (h) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution
  - (i) Any dangerous, hazardous, toxic, or explosive materials used in the processing
  - (j) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders)
  - (k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes
  - (l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power



- structures and communications towers or facilities
- (m) The effect on adjacent properties created by the proposed use type, which should not be greater than that of other use types in the zoning district
- (2) Standards for new and unlisted uses may be interpreted as those of a similar use.
  - (3) Appeal of the Administrator's decision shall be made to the Zoning Board of Adjustment following procedures of Section 3.3.10, Zoning Variances and Appeals.
  - (4) The Administrator may periodically request amendments to this Ordinance to incorporate newly listed uses into **Article V: Use Standards** and **Article XI: Definitions**.

5.1.5 Table of Allowed Uses

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts				Additional Standards			
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU		KC					
Residential Uses																											
Household Living	Dwelling, single-family detached	■	■	■	■	■	■	■	■												■	■	■				
	Dwelling, Duplex						■*	■	■	■	■														Sec. 5.2.2 (1)		
	Dwelling, townhouse (SF attached or multi-family)							■	■	■	■										■		■*	■	Sec. 5.2.2 (2)		
	Dwelling, live/work								□	□	□	□									■*	■*		■*	■*	Sec. 5.2.2 (3)	
	Dwelling, multi-family (4 DU/lot or fewer)						■*		■	■	■											■		■	■	Sec. 5.2.2 (4)	
	Dwelling, multi-family (more than 4 DU/lot)						■*				■*	■*										■*	■*		■*	■*	Sec. 5.2.2 (5)
	HUD-Code manufactured home												■														
	RV Park												□*												□*		Sec. 5.2.2 (6)
Group Living	Assisted living facility (≤6 residents)	■	■	■	■	■	■	■	■	■	■	■							■				■	■	■		

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards	
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC			
																				C	T	N	C	T		
	Assisted living facility (≥ 6 residents)	□	□	□	□	□	□	□	□	□	□	□			□			■				□	□	□	□	
	Community, group or foster home	■	■	■	■	■	■	■	■	■	■	■						■				■	■		■	
	Independent senior living facility									■*	■*							■*		■*	■*			■*		Sec. 5.2.3 (1)
	Nursing home										■*		■*		■*		■*	■*		■*	■*			■*		Sec. 5.2.3 (2)
<b>Public and Institutional Uses</b>																										
Civic and Cultural Facilities	Art gallery, museum, or special purpose recreational institution													■	■	■			■	■	■				■	
	Civic, social, philanthropic, or fraternal organizations													■	■	■			■	■	■	■			■	■
	Labor or political organizations													■	■	■			■	■	■	■			■	■

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards	
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC			
	Business or professional organizations												■	■	■			■	■	■	■			■	■	
	Religious Assembly and Institutions	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Parks and Recreation Facilities	Community Garden	■	■	■	■	■	■	■	■	■	■							■	■		■	■	■	■		
	Farmers' Market	■											■		■			■	■	■	■		■	■		
	Park or playground	■	■	■	■	■	■	■	■	■	■	■	■	■	■			■	■	■	■	■	■	■	■	
	Nature preserve	■	■	■	■	■	■	■	■	■	■	■		■				■	■		■	■				
	Recreation Center	■	■											■	■	■			■		■				■	
Health and Human Services	Clinics and labs												■	■	■	■		■		■				■		
	Nursing and other rehabilitative services												■	■	■	■		■		■					■	
	Hospital												■	■	■			■		■						
	Social assistance and welfare services												□		■			■								

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted * = Additional Standards Apply																										
Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts			Additional Standards			
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU				KC		
																				C	T	N	C	T		
	Funeral homes and services (with or without cremation services)																									
	Cemetery	■																		■	■					
Public and other government functions	Legislative and executive functions																									
	Courts (local, state, and federal)																									
	Correctional institutions																									
	Public safety facility																									
	Other government functions																									
Educational service establishments (public and private)	Child day care	■							□	□	■	■														
	Nursery and pre-school	■							□	□	■	■														
	Elementary and Middle Schools	■	■	■	■	■	■	■	■	■	■	■														

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts				Additional Standards			
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU		KC					
	Senior and High Schools									■	■		■	■	■			■		■				■			
	Colleges and Universities												■	■	■			■		■							
	Technical, trade, and specialty schools												■	■	■			■		■					■		
<b>Commercial Uses</b>																											
Agricultural Uses	Crop production	■	■														■										
	Support functions for agriculture	■	■														■										
	Greenhouse, nursery, floriculture	■	■														■										
Animal production and ranching	Cattle ranches	■	■																								
	Sheep and goat farming	■	■																								
	Fish hatcheries and aquaculture	■															■										
	Apiculture	■	■																								

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards																
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC																		
																				C	T	N	C	T																	
	Horse and equine farming	■	■																																						
Animal related services	Veterinary clinic	■											■*	■*	■*								■*															Sec. 5.2.4 (1)			
	Kennels, commercial	■	□											■*	■*																							Sec.5.2.4 (2)			
	Stables, commercial	■	□																																						
	Pet and animal-related sales and services (including grooming and care)													■*	■*	■*							■*															Sec. 5.2.4 (3)			
	Any animal related service with outdoor pens or runs	■	□													□	□																								
Auto-related sales and service	Motor vehicle sales, new																■	■																							
	Motor vehicle sales, used																□	■																							
	Large vehicle sales and service																□	■																							

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards					
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC							
	Specialty vehicle sales, new															□	■													
	Specialty vehicle sales, used																■													
	Auto repair and service, minor													■*		■*	■*					■*					■*			Sec. 5.2.4 (4)
	Auto repair and service, major													□		■*	■*													Sec. 5.2.4 (5)
	Car and truck wash													■*		■*	■													Sec. 5.2.4 (6)
	Auto-related parts and accessory sales													■*		■	■						■*					■*		Sec. 5.2.4 (7)
	Any retail use with gasoline sales pumps													■*		■	■						■*					□*		Sec. 5.2.4 (8)
Retail Sales	Furniture and home furnishings															■	■						■					■		
	Building materials, Home and Garden Centers															■	■						■							



Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts			Additional Standards				
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU				KC			
																				C	T	N		C	T		
	Swimming pool, spa, and accessory sales and service												■		■	■						■			■		
	Department store, superstore, or warehouse club														■							■					
	Electronics and appliances												■		■							■			■		
	Durable consumer goods sales (computers, clothing, art supplies, florist, shoes, jewelry, etc.)												■		■							■			■		
	Grocery store or supermarket (includes beer and wine sales as accessory use)												■		■							■			■		

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts			Additional Standards				
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU				KC			
																				C	T	N		C	T		
	Convenience store (includes beer and wine sales as accessory use)												■		■							■			■		
	Beer and wine sales												□		□							□			□		
	Pharmacy or drug store												■	■	■			■				■			■		
	Cosmetics and beauty supplies												■		■							■			■	■	
	Firearm sales														■	■						■					
	Pawn shop														■												
	Used goods sales														■												
	Specialty retail and paraphernalia sales														□*												Sec. 5.2.4 (9)
	Any retail sales use with outdoor storage												■*		■*	■						■*			■*		Sec. 5.2.4 (10)

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards						
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC								
	Any retail sales use with drive-thru facilities												■		■									■*					■*		Sec. 5.2.4 (11)
Financial and Real Estate Services	Banks, investment, or financial institution (without drive thru service)												■		■	■									■				■		
	Banks, investment, or financial institution (with drive thru service)												■		■	■									■*				■*		Sec. 5.2.4 (11)
	Alternative Finance institution															□*															Sec. 5.2.4 (12)
	Real estate services												■		■	■									■				■	■	
	Property management services												■		■	■									■				■	■	
Rental and Leasing	Car rental															■	■														
	RV, trailers, and truck rental																□	■													

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards														
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC																
																				C	T	N	C	T															
	Recreational and consumer goods rental													■		■									■														
	Commercial and industrial machinery leasing and rental																																						
	Video, music, or software rental														■		■											■											
Food and Beverage Services	Bar or drinking establishment																																						Sec. 5.2.4 (13)
	Full-service restaurant														■	■	■											■											
	Café or self-service restaurant														■	■	■											■											
	Restaurant with take-out or delivery only														■	■	■											■											

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards	
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC			
	Snack, coffee, juice, ice cream, or specialty food sales												■	■	■						■	■		■	■	
	Catering service														■	■								■	■	
	Any food and beverage establishment with drive-thru facility												■	■	■						■	*		■	*	Sec. 5.2.4 (11)
	Any food and beverage establishment with outdoor or sidewalk service												■	■	■						■			■	■	Sec. 5.2.4 (14)
Lodging Facilities	Bed and breakfast establishment						□*																			Sec. 5.2.4 (15)
	Limited Service Hotels/Motels (including extended stay hotels)													■	■							■				

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards			
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC					
	Full-service hotels														■	■						■						
Business, Professional, and Technical Services	Offices for business, professional, or technical services														■	■	■	■					■	■		■	■	Sec. 5.2.4 (16)
	Offices for administrative services														■	■	■	■					■	■		■	■	Sec. 5.2.4 (17)
	Services related to buildings (janitorial, landscaping, cleaning, etc.)															■	■	■										
	Medical and dental offices														■	■	■						■			■		
Personal Services	General personal service (except those listed)														■		■						■	■		■	■	
	Bail bond service																	□										
	Massage therapy														■		■						■			■		

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Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts			Additional Standards						
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU				KC					
																				C	T	N		C	T				
	Tattoo parlor or piercing studio																												
Recreation and Entertainment Uses (Indoor)	Banquet or meeting facility																	■											
	Fitness club, gym, or sports club													■		■													
	Games arcade													■															
	Skating rink (ice, roller skating, etc.)																												
	Bowling, billiards, pool, bingo, etc.																												
	Indoor amusement establishment																												
	Shooting club (indoor)	□																											
	Theater (movie, music, drama, or dance)														■		■												

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Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts				Additional Standards		
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU		KC				
Recreation and Entertainment Uses (Outdoor)	Outdoor Amusement establishment	□													■					■						
	Marina or yachting club	□																								
	Golf course	■	■	■	■	■	■	■	■	■	■	■	■	■	■				■	■	■	■				
	Country club	■													■	■			■	■	■	■				
	Shooting club (outdoor)	□														■										
	Miniature golf establishment	□														■				■	■					
Other Commercial Uses	Surface parking lots													■*	■*	■*	■*	■*	■*	■*				■*	■*	Sec.5.2.4 (18)
	Structured parking														■				■		■*	■*		■*	■*	Sec. 5.2.4 (19)
	Sexually oriented business															□										Sec. 5.2.4 (20)
<b>Industrial Uses</b>																										
Manufacturing	Food and beverage processing															■	■									
	Microbrewery, micro distillery, winery																■	■			■*				■*	Sec. 5.2.5 (1)



Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted * = Additional Standards Apply																																			
Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts				Additional Standards											
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC												
	Paper and printing materials																		■	■													■*	Sec. 5.2.5 (2)	
	Furniture and related products																			■	■												■*	Sec. 5.2.5 (2)	
	Machinery, appliance, electrical equipment, electronics, and components																			■	■												■*	Sec. 5.2.5 (2)	
	Transportation equipment and automobiles																			■	■														
	Miscellaneous manufacturing (jewelry, toys, games, office supplies, custom crafts, etc.)																				■													■*	Sec. 5.2.5 (2)

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards					
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC							
	Chemicals, and metals, machinery, and heavy manufacturing																													
Wholesale trade (not resale)	Durable goods																													
	Nondurable goods																													
Warehouse and storage	Cold storage plant																													
	Distribution center or warehouse																													
	Self-storage or mini storage																													
	Any outdoor storage related to an industrial use																													Sec. 5.2.5 (3)
Construction- related businesses	Machinery related Contractors' yards and storage																													
	Specialty trade contractors																													

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC		
																				C	T	N	C	T	
	Asphalt or concrete batch plant																	□							
	Excavation related services																	■							
	Wrecking and demolition establishment (including junk yards)																	□							
Transportation-related uses	Air transportation related uses	□																□		□					
	Rail transportation related uses																	■	■						
	Other local, regional, intercity transportation uses (public and commercial)																■	■		■					
	Taxi and limousine service																	■	■						

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards			
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC					
																				C	T	N	C	T				
	Courier, messenger, and postal services															■	■											
	Truck and freight transportation services																	■										
Utilities and Utility Services	Utility lines, towers or metering/pumping station	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Sewer, solid waste, recycling, and related services																		■									
	Natural gas, petroleum, fuel related services																	■	■									
	Electric utility services (includes generating plants and substations)																	■	■									

Table 5.1-1: Allowed Uses

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Category	Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards	
		A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC			
																				C	T	N	C	T		
	Telecommunications equipment and facilities (building mounted)	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec 5.2.5 (4) and (5)
	Telecommunications towers	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	□*	Sec. 5.2.5 (4) and (6)
	All other utility related uses (other than listed)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□		

## 5.2 ADDITIONAL USE STANDARDS

### 5.2.1 Applicability

The standards in this section apply as noted in *Tables 5.1-1: Allowed Uses*.

### 5.2.2 Residential Uses

- (1) Single Family Dwelling
  - (a) Single family dwellings shall be occupied by not more than one Family as defined in this Ordinance.
- (2) Dwelling, Duplex
  - (a) In the NC Zoning district, these uses shall only be permitted on lots designated as NC-D on the Zoning Map
  - (b) Duplex dwellings shall comply with the design standards for development in the Neighborhood Conservation district in **Article VI: Building and Urban Design Standards**.
- (3) Dwelling, Town House (single-family attached or multifamily):
  - (a) The Townhouse is a small- to medium-sized building (under 6,000 sq.ft.) composed of 2 – 4 attached dwelling units with either each dwelling unit on its own fee-simple lot (single-family attached) or all units on one lot (multifamily).
  - (b) Townhomes shall comply with the standards for residential building types in **Article VI: Building and Urban Design Standards**.
- (4) Dwelling, Live/Work:
  - (a) The Live/Work Building is a small to medium-sized (under 6,000 sq.ft.) attached or detached structure that consists of one dwelling unit above and/or behind a flexible ground floor space that can be used for office, personal service, or retail uses.
  - (b) In a mixed-use development or building, a live/work dwelling is considered a non-residential use.
  - (c) The non-residential square footage within a live/work unit shall be limited to a maximum of 6,000 sq.ft.
- (5) Dwelling, Multi-family (4 DU/lot or fewer)
  - (a) In the NC Zoning district, these uses shall only be permitted on lots designated as NC-MF1 on the Zoning Map and shall comply with the design standards for development in the Neighborhood Conservation district in **Article VI: Building and Urban Design Standards**.
- (6) Dwelling, Multifamily:
  - (a) All multi-family dwellings shall comply with the standards for residential building types in **Article VI: Building and Urban Design Standards**.
  - (b) In the NC Zoning district, these uses shall only be permitted on lots designated as NC-MF2 on the Zoning Map and shall comply with the design standards for development in the Neighborhood Conservation district in **Article VI: Building and Urban Design Standards**.
- (7) RV Parks:
  - (a) Permit and Fee: All RV Parks shall only be operated with a permit and associated

fees as established in the city's annual fee schedule.

- i. Required Duration: Each permit shall be issued for the calendar year, or part thereof and expire on the thirty-first (31<sup>st</sup>) day of December every year with the right to renew the permit yearly provided the RV Park is in compliance with this section and any conditions of SUP approval.
  - ii. Application: In addition to requirements for an SUP in Section 3.3.3., all applications for an RV Park shall include a scaled plot plan showing all streets (public or private), driveways, utilities, RV lots/pads/stands, accessory buildings, fences, etc.
- (b) Development Standards:
- i. Private Streets: Private streets shall be provided and shall extend continuously from the public street so as to provide suitable access to all RV lots and other facilities or uses permitted in the RV Park, as well as provide adequate connection to future streets at the boundaries of the RV Park property line. Private Streets shall meet the following standards:
    - ii. Shall be a minimum of 24 feet in width.
    - iii. Intersections shall be at right angles. Intersection offsets of less than 125 feet shall be avoided. Intersections of more than two streets shall also be avoided.
    - iv. Dead end streets shall be a maximum of 600 feet in length and shall provide a paved vehicular turnaround of at least 80 feet in diameter.
    - v. Shall be constructed of all-weather dust free materials which shall be durable and designed by an engineer to withstand all fire and emergency apparatuses in addition to accommodating appropriate drainage improvements.
    - vi. If the private street connects two public streets, it shall be located in such a way as to discourage cut-through traffic.
    - vii. Driveways, approaches, right-of-way, turning radii, etc., shall meet the City of Ennis Infrastructure Design Standards.
- (c) Water Utilities: Each pad/lot/stand within an RV Park shall be provided with a connection to city water supply if available at the site. It shall be installed as follows:
- i. Water supply system shall meet all city ordinances and codes.
  - ii. A master meter shall be installed to serve the RV Park.
  - iii. A reduced pressure principal backflow preventer (RPZ) will be required to be placed at the property line on the discharge side of the master meter. In addition, one (1) anti-siphon device must be placed at each of the connections for each RV pad/stand/lot.
  - iv. Water riser service branch lines shall extend at least twelve (12) inches above ground level.
  - v. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes. Surface drainage shall be diverted from the location of utility connections at each site.
  - vi. A shut-off valve below the frost line shall be provided near each water riser pipe.
  - vii. The owner/operator shall maintenance responsibility for the water system within the RV Park with the city's responsibility ending at the master meter.
- (d) Wastewater Facilities: Each RV lot/stand/pad shall be provided with a connection to the City of Ennis wastewater service, if available. If city wastewater service is not available, then a permit from the Texas Commission

on Environmental Quality (TCEQ) shall be obtained prior to placement of an on-site sewage facility. The city must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be installed as follows:

- i. The wastewater system and materials must be installed in accordance with applicable codes adopted by the city.
  - ii. Each RV lot/pad/stand must include a four-inch diameter wastewater riser and shall extend above grade by three (3) to four (4) inches. The wastewater riser pipe shall be located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gastight seal when connected to a Recreational Vehicle or have a gastight seal plug when not in service. The plug shall be that of a spring-loaded device.
  - iii. The wastewater connection to each RV lot/pad/stand shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be watertight.
  - iv. Surface drainage shall be diverted away from the riser.
  - v. The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV Park. The responsibility of the city stops at the property line.
- (e) Electrical Service: Each lot/pad/stand within the RV Park shall be provided with electrical service. All electrical service shall be underground and installed in accordance with all adopted city codes and ordinances. The electrical service shall be installed as follows:
- i. A master electric meter shall be installed to serve the RV Park.
  - ii. The location of all underground lines shall be clearly marked by surface signs at approved intervals.
  - iii. Power supply to each lot/pad/stand shall be a minimum of one 30-amp and one 50-amp power supply.
  - iv. Outlets (receptacles or pressure connectors) shall be housed in an approved weatherproof outlet.
- (f) RV Lot/Pad/Stand Standards:
- i. Each RV lot/pad/stand shall consist of an area that is a minimum of thirty (30) feet in width by sixty-five (65) feet in depth.
  - ii. All lots shall be connected to utilities as specified in this section.
  - iii. All lots shall abut and have access to a private street within the RV Park.
  - iv. All lots shall provide adequate foundation for parking the RV and one additional space for a vehicle on an asphalt or concrete surface. The remainder of the lot shall be maintained as grass or other all-weather dust free surface.
  - v. No direct vehicular access to any RV lot shall be permitted from any public street.
  - vi. The term RV lot/stand/pad shall apply only if all the required improvements are present on the lot.
  - vii. Only one (1) RV is permitted on each RV lot/stand/pad.
  - viii. Each RV lot/stand/pad shall be clearly marked with a minimum of three (3) inch numbers identifying the RV lot/stand/pad number.
  - ix. The individual lots/stands/pads within the RV Park are not allowed to have accessory structures as defined in this Ordinance.



- (g) Setbacks: All RVs shall meet the following setbacks:
  - i. The front of the RV shall be at least 10 feet from the edge of the private street.
  - ii. No part of any RV shall be located closer than 25 feet from any adjacent public street ROW.
  - iii. No side of an RV shall be located closer than 18 feet from any other RV.
  - iv. The rear of an RV shall be no closer than 10 feet from any other RV.
  - v. No part of any RV shall be located closer than 10 feet from the RV Park perimeter property line.
- (h) All permanent structures shall conform to the zoning district standards and all adopted city codes and ordinances.
- (i) Drainage: All open areas of the RV Park shall be graded and equipped to drain all surface water in a safe, effective manner so as not to permit water to stand or become stagnant. The RV Park shall also meet the city's adopted storm water drainage standards for development.
- (j) Lighting: All entrance/exit driveways, private streets, parking lots, walkways, and service areas shall be adequately lit to be safe for all residents and visitors.
- (k) Garbage/Trash Disposal: Adequate facilities for the collection, storage, and disposal of garbage/trash of the occupants of the RV Park shall be provided. These trash receptacles shall be located in the RV Park and be placed on an all-weather surface pad. Each RV lot/pad/stand shall be located within two hundred (200) feet of a trash receptacle as measured along an internal drive or walkway within the RV Park. Screening of the trash receptacles shall meet the standards in **Article VII: Site Design and Development Standards**.
- (l) Fencing: The RV Park shall be fenced along all sides per standards for nonresidential and multifamily fencing in **Article VII: Site Design and Development Standards**. All public street frontages shall be fenced through the use of natural barriers (new or existing) such as trees or shrubs where possible. Where natural barriers are not feasible as determined by the Administrator, a minimum eight (8)-foot high fence shall be placed along the street frontage. All other standards for the fence shall meet the standards for nonresidential fencing in **Article VII: Site Design and Development Standards**.
- (m) Off-Street Parking: Shall meet standards in **Article VII Site Design and Development Standards**.
- (n) Registration: Each person renting an RV lot/stand/pad in an RV Park shall register with the RV Park operator or owner with all the details of the person including name, permanent address, driver's license, auto-registration and RV license plates, number of the RV lot/stand/pad being rented, date of arrival and rental period.
- (o) Maximum Rental Period: RV lots/stands/pads shall be rented on a temporary basis not to exceed 180 consecutive days or 200 cumulative days within any calendar year to the same tenant. Rental extensions may be approved by the Administrator prior to the expiration date of the original rental period.
- (p) Pest and Rodent Control: Grounds, buildings, and structures in the RV Park shall be maintained free of the accumulation of dry brush, leaves, tree limbs, high grass, weeds, trash, and debris so as to prevent rodent and snake harborage or breeding of flies, mosquitoes, or other pests.
- (q) Fire Safety and Protection: All RV Parks shall meet the city's Fire Code standards including the placement of fire hydrants within 300 feet of the RV Park. All fire

hydrants shall meet the city's adopted fire code standards.

- (r) RV Parks in Annexed Areas: When an RV Park is annexed into the city, it shall be permitted for a period of 90 days before which the owner or operator is subject to the SUP requirements of this section.

### 5.2.3 Group Living Uses

- (1) Independent Senior Living Facility:
  - (a) In the Institutional-Civic (IC) district, this use shall be in conjunction with a medical center, nursing, or similar facility.
  - (b) Shall comply with the standards for residential building types in **Article VI: Building and Urban Design Standards**.
- (2) Nursing Home: In the MF-2 multi-family residential district, nursing homes shall comply with the residential density requirements of the district in which they are located. If not designated in separate dwelling units, each 2.5 persons of the designated occupancy shall be deemed a dwelling unit for the purpose of calculating density.

### 5.2.4 Commercial Uses:

- (1) Veterinary Clinic: In the C, BP, RMU, and KC districts:
  - (a) Commercial breeding is not permitted.
  - (b) Uses shall be entirely enclosed, properly ventilated, and provide sound barriers and odor protection to adjacent properties and users nearby or within the same development.
- (2) Kennel, Commercial: Outdoor runs are not permitted in the BP and CC districts unless with an SUP.
- (3) Pet and animal-related sales and services (including grooming and care):
  - (a) Outdoor runs are not permitted in the C, BP, CC, RMU, and KC districts.
  - (b) In the CC district, outdoor runs may be permitted with an SUP only.
- (4) Auto repair and service, Minor:
  - (a) Spray painting or bodywork is not permitted. Dismantling, remanufacturing, or rebuilding are not allowed.
  - (b) Outside storage or display of products or vehicles shall be prohibited.
  - (c) Repair or installation work shall be conducted completely within a building.
  - (d) Service bays that face any residential uses or public right-of-way shall be screened in accordance to the standards for a type screen described in **Article VI: Building and Urban Design Standards**.
  - (e) In the RMU Special Districts and PD Districts, auto repair and service uses:
    - i. May only be permitted when specifically identified on the Concept or Development Plan
  - (f) In the RMU and KC Special Districts and PD Districts, auto repair and service uses:
    - i. Service bays shall not be oriented along pedestrian oriented streets
    - ii. A pedestrian entrance to the building from a public sidewalk along a Pedestrian-Oriented Street shall be required
- (5) Auto repair and service, Major:
  - (a) Outdoor storage or display of products along any highway frontage shall be prohibited. All storage shall be located within the rear yard and screened from

- adjacent properties and any public right-of-way.
- (b) Repair or installation work must be conducted completely within a building.
  - (c) Service bays that face any residential uses or public right-of-way shall be screened in accordance to the standards for a type screen described in **Article VI: Building and Urban Design Standards**.
- (6) Car and truck wash: Wash bays and vacuum bays facing a public street or residential uses shall be screened in accordance to the standards for a type screen described in **Article VI: Building and Urban Design Standards**.
- (7) Auto-related parts and accessory sales:
- (a) No outside storage or display of any merchandise sold.
  - (b) In the RMU Special District, auto-related parts and accessory sales may only be permitted when specifically identified on the Concept or Development Plan.
  - (c) In the RMU and KC Special Districts, auto-related parts and accessory sales shall include a pedestrian entrance to the building from a public sidewalk along a Pedestrian- Oriented Street shall be required.
- (8) Gasoline sales pumps:
- (a) Gas pumps and canopies shall not be located on the site adjacent to any residential uses in addition to screening in accordance to the standards for a type screen described in **Article VI: Building and Urban Design Standards**.
  - (b) Specific to the RMU Special District: May only be permitted when specifically identified on the Concept or Development Plan and in conjunction with another use such as a convenience store or grocery store.
  - (c) Specific to the RMU and KC Special Districts: A pedestrian entrance to the principal building on the site from a public sidewalk along a Pedestrian-Oriented Street shall be required.
- (9) Specialty Retail and Paraphernalia sales:
- (a) Any establishment with gross monthly sales of Specialty Retail and Paraphernalia sales representing more than 25 percent of total sales shall only be permitted with anSUP.
  - (b) Specialty Retail and Paraphernalia items shall be as defined in **Article XI: Definitions**.
- (10) Any retail sales use with outdoor storage:
- (a) Outdoor storage or display of products along any highway frontage shall be prohibited. All storage areas shall be located within the rear yard and screened from adjacent properties and any public right-of-way.
  - (b) If adjacent to any residential uses, they shall be screened in accordance to the standards for a type screen described in **Article VI: Building and Urban Design Standards**.
- (11) Any use with drive-thru facilities (retail sales, pharmacy, banks, and restaurants):
- (a) Drive-thru facilities shall have no more than one driveway per street frontage.
  - (b) Specific to the C district: Drive-thru lanes facing, backing, or siding a public street or residential uses shall be screened in accordance to the standards for a type screen described in **Article VI: Building and Urban Design Standards**.
  - (c) Specific to the RMU district:
    - i. May only be permitted if specifically identified on a Concept or Development

- plan.
- ii. Shall meet the design standards for drive-thru uses in the Special District Design standards in **Article VI: Building and Urban Design Standards**.
  - (d) Specific to the KC district: Shall meet the design standards for drive-thru uses in the Special District Design standards in **Article VI: Building and Urban Design Standards**.
- (12) Alternative Finance Institution (Non-depository financial institution):
- (a) No Alternative Financial Institution shall be located within 1,000 feet, measured from property line to property line, of any other alternative financial institution.
  - (b) No Alternative Financial Institution shall be located within 400 feet, measured from property line to property line, of a lot zoned or used for residential purposes.
  - (c) No Alternative Financial Institution shall be located within 500 feet of I-45, SH 287 and/or SH Bypass 287, measured from the right-of-way line to property line.
  - (d) An Alternative Financial Institution may only be a principal use that requires an SUP. An alternative financial establishment may not be considered as an accessory use.
- (13) Bar or Drinking Establishment: Bars as defined in **Article X: Definitions** shall only be permitted with an SUP in the Downtown District in accordance to City Ordinances.
- (14) Restaurant with outdoor or sidewalk service:
- (a) Shall meet the design standards for sidewalk cafes in **Article VI: Building and Urban Design Standards**.
- (15) Bed and Breakfast Establishment:
- (a) Number of guest rooms is limited to five (5).
  - (b) Parking shall meet standards in **Article VII: Site Design and Development Standards**.
  - (c) Cooking facilities in guest rooms are not allowed.
  - (d) Individual guest occupancy is limited to no more than fourteen (14) consecutive days within any thirty (30) day period.
  - (e) Signs shall meet the City of Ennis Sign Ordinance.
  - (f) Health and Safety Considerations: Shall meet all adopted city, county, and state regulations regarding applicable fire code, health safety including food handling permit requirements.
- (16) Offices for business, professional, or technical services:
- (a) In the Business Park (BP) and Special District Transition Zones, office buildings may include areas for customarily incidental retail and personal service uses such as personal household services, restaurants, laboratories, and incidental retail sales, when these uses serve the clients or are incidental to the clients in the office building, and subject to the following standards:
  - (b) The aggregate area of all incidental uses in an office building shall not exceed 25% of the gross floor area of the building.
- (17) Offices for administrative services:
- (a) In the Business Park (BP) and Special District Transition Zones, office buildings may include areas for customarily incidental retail and personal service uses such

as personal household services, restaurants, laboratories, and incidental retail sales, when these uses serve the clients or are incidental to the clients in the office building, and subject to the following standards:

- (b) The aggregate area of all incidental uses in an office building shall not exceed 25% of the gross floor area of the building.
- (18) Surface parking lot:
  - (a) Shall be screened when located adjacent to any residential uses or public right-of-way with a screen in accordance with **Article VI: Building and Urban Design Standards**.
- (19) Structured parking:
  - (a) Shall meet the standards for parking garages in the Special District Design Standards in **Article VI: Building and Urban Design Standards**.
- (20) Sexually-oriented businesses:
  - (a) Shall not be located within 1,000 feet of a church, a school, a boundary of a residential district, a public park or the property line of a lot devoted to residential use or designated for residential use in the city's Future Land Use Plan.

### 5.2.5 Industrial Uses

- (1) Microbrewery, micro-distillery, winery:
  - (a) Maximum size shall be limited to 25,000 sq.ft.
- (2) Any Manufacturing Use in the KC Special District shall meet the following standards:
  - (a) Shall be no more than 10,000 sq.ft.
  - (b) All outside storage shall only be located in the rear yard and screened from all adjoining properties and public streets by an eight-foot high solid screening device that complies with the following requirements:
    - i. All screening devices shall form an opaque, solid barrier, without gaps or openings, except as provided in (iii) below.
    - ii. All screening devices shall be constructed of 100% brick, stone, or architecturally- finished reinforced concrete.
    - iii. Only openings in screening devices that are necessary for reasonable access to the storage yard shall be permitted, but shall be equipped with a solid gate or door constructed and maintained in accordance with the requirements for screening devices set forth in this section. All openings shall be closed and securely locked at all times, except for needed access.
    - iv. Any painting, staining, coating, covering or other coloring of any screening device shall be of a uniform color.
    - v. All screening devices shall be maintained, repaired and/or replaced to ensure compliance with the requirements in this section at all times.
  - (c) Outside storage shall not be stacked, accumulated, kept, or otherwise placed above the solid screening device described in this subsection.
  - (d) A row of evergreen screening trees shall be planted in front of and within 10 feet of the required screening device. These trees shall be spaced a maximum of ten to 15 feet on center. They shall be placed no closer than five feet to the street side of the required screening device. The trees shall be six to eight feet in height at the time of planting and be a species capable of reaching a height of fifteen feet within five years of planting. All screening trees shall be equipped with an

automatic irrigation system.

- (3) Outside Storage: Any outside storage associated with an Industrial Use:
- (a) All outside storage shall be setback a minimum of 25 feet from any public right-of-way and shall be located within the rear yard and screened from view of public streets by an eight-foot high solid screening device that complies with the following requirements:
    - i. All screening devices shall form an opaque, solid barrier, without gaps or openings, except as provided in (iii) below.
    - ii. All screening devices shall be constructed of 100 percent brick, stone, or architecturally- finished reinforced concrete.
    - iii. Only openings in screening devices that are necessary for reasonable access to the storage yard shall be permitted, but shall be equipped with a solid gate or door constructed and maintained in accordance with the requirements for screening devices set forth in this section. All openings shall be closed and securely locked at all times, except for needed access.
    - iv. Any painting, staining, coating, covering or other coloring of any screening device shall be of a uniform color.
  - (b) All screening devices shall be maintained, repaired and/or replaced to ensure compliance with the requirements in this section at all times.
- (4) Telecommunications Facilities, All:
- (a) The purpose of this section is to establish standards regulating the location of telecommunication facilities, towers and antennas with the objective of minimizing their number, to protect and promote public safety, and to mitigate any adverse visual impacts on the community while promoting the provision of telecommunications service to the public.
  - (b) All telecommunications facilities, towers, and antennas shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state, and city standards.
  - (c) Platted Lots: Telecommunications facilities, including towers and related equipment buildings, but exempting co-located facilities (multiple towers owned by different operators), shall be located on a platted lot.
  - (d) Technical Assistance: When a permit is required to comply with the provisions of this section, and when the technical information provided by the applicant is beyond the technical capacity of city staff to review, the applicant, in addition to the usual application fee, shall reimburse the city for the actual cost to the city for the services of a technical expert to review the application and/or information supplement. Such reimbursement shall be paid prior to issuance of a construction permit.
  - (e) Pre-application Meetings: Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the Administrator or his/her designee to determine if the location will require a Specific Use Permit or other approvals, and to review the merits of potential locations.
  - (f) Exemptions: Dish antennae less than two meters in diameter, antennae used exclusively for SCADA (System Control And Data Acquisition) communications in a utility substation or facility, antennae used exclusively as part of a federally

- licensed amateur radio station, antennae for Citizen's Band (CB) radios, and antennae less than one foot in greatest dimension are exempt from this section.
- (g) Abandoned Antennae or Towers: Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 180 days of receipt of notice from the Administrator notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 180 days shall be grounds for the city to remove the tower or antenna at the owner's expense.
- (5) Telecommunications Facilities, Building Mounted:
- (a) Ground and building mounted dish antennae shall not be permitted in any front setback area or side or rear yard if adjacent to any roadway.
  - (b) Ground-mounted dish antennae in excess of five feet in height shall be screened from roadways and adjacent property by a minimum six-foot high screening masonry wall or evergreen hedge.
  - (c) Building/roof-mounted antennae one meter or less in diameter are permitted in all zoning districts.
  - (d) Building/roof-mounted antennae in excess of one meter in diameter in residential zoning districts shall be painted to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.
  - (e) Building/roof-mounted dish antennae in excess of two meters in diameter may be permitted on buildings in excess of 10,000 square feet of building floor area in the non- residential districts.
  - (f) Building/roof-mounted dish antennae in excess of two meters in diameter in non-residential districts shall be painted or screened with enclosures so as to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.
  - (g) Prior to the installation of any building/roof mounted telecommunications antenna, antenna array or support structure the Administrator may require an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.
- (6) Telecommunications Towers:
- (a) Structural Standards: Guyed telecommunications towers shall be designed and located such that if the structure should fall it will avoid habitable structures and public streets.
  - (b) Co-location:
    - i. Towers shall be designed and built to accommodate a minimum of two wireless providers, if over 75 feet in height. The owner of the tower must certify in writing to the city that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.
    - ii. Applicants seeking to erect a tower greater than 75 feet in height within 3,000 feet of any tower greater than 75 feet in height, shall provide evidence that reasonable efforts were made to lease space on an existing or planned tower or that no existing tower will satisfy the applicant's technological needs.
  - (c) Tower Height:
    - i. The height of a tower, whether freestanding or building- mounted, shall be measured from the base of the tower to the highest point of the tower, including

- any installed antennae and appurtenances.
- ii. The maximum height for towers is 75 feet plus 25 feet for each co-located installation, or as approved by Specific Use Permit in accordance with *Table 5.1-5*.
- (d) Security Fencing and Building Materials:
- i. Security fencing, if installed, shall be by a wrought iron with masonry columns expressed at intervals no greater than fifty (50) feet on center and with evergreen hedge, or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.
- (e) Location:
- i. All telecommunication towers, as well as guys and guy anchors, shall be located within the buildable area of the lot and not within the front, rear, or side setbacks. New telecommunication towers in excess of 200 feet in height shall be set back a minimum of 1,300 feet from the right-of-way of all controlled access federal and state roadways designated as freeways to provide unobstructed flight paths for helicopters.
  - ii. All telecommunications towers, including stealth towers, equal to or over 75 feet in height, are not allowed in any residential zoning district and must be a minimum of a three-to-one distance to height ratio from a single-family residential district and one-to-one distance to height ratio from a transition zone of a Special District.
  - iii. Any new telecommunications tower in excess of 180 feet in height shall be located a minimum of one mile from any existing tower in excess of 180 feet in height.
- (f) Signage:
- i. Except as otherwise permitted in this Ordinance, no signage, lettering, symbols, images, or trademarks in excess of 2 sq. ft. shall be placed on or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulations or other applicable law.
- (g) Lighting:
- i. Except as otherwise permitted in this Ordinance, no signals, lights, or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA, or other appropriate public authority.
- (h) Stealth Towers:
- i. Stealth telecommunication towers and antennae must be similar in color, scale, and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment.
  - ii. Each design for a proposed stealth tower or antenna shall be reviewed by the Administrator. An applicant of a stealth tower or antenna design shall provide the Administrator with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the Administrator to determine whether the design effectively conceals the tower or antenna. The Administrator shall forward the request to the Planning and Zoning Commission



and City Commission after determining the completeness of the application.

- (i) Antenna Mounting Standards:
  - i. The purpose of this section is to promote public safety and maintain order and harmony within the city's business, cultural, and residential districts by restricting the size and location of telecommunication antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and to insure the integrity of supporting structures.
- (j) Whip and Panel Antenna Mounting Standards:
  - i. Telecommunications antennas, including mounting structures, are allowed on existing electric utility poles, light standards, and telecommunication towers in excess of 40 feet in height, provided that the total length of any antenna does not exceed 15 percent of the height of the existing structure. The height of a telecommunications tower is determined by the highest point of any and all components of the structure, including antennas.
  - ii. Telecommunications antennas and arrays are allowed by right on existing electric transmission towers.
  - iii. Existing conforming building element structures (excluding towers) in excess of 50 feet in height may, as a matter of right, be rebuilt, if necessary, to support or contain a new antenna, provided that the new structure is the same height and substantially the same in appearance as the structure it replaces.
  - iv. Panel antennas, which do not extend above the structure, or whip antennas 15 feet or less in height, are permitted on conforming billboard structures.
  - v. Building-mounted panel antennas are permitted on non-residential buildings and multifamily dwellings in all zoning districts; provided that they are mounted flush with the exterior of the building and that they do not project above the roof line or more than 30 inches from the surface of the building to which they are attached. The antenna's appearance shall be such that its color blends with the surrounding surface of the building.
  - vi. Whip antennas are permitted on non-residential buildings and multifamily dwellings in all zoning districts, provided that the total length of said whip antennas, regardless of mounting method or location, does not exceed 15 percent of the existing height of the building.
  - vii. Only one building/roof mounted antenna support structure, less than 100 square feet in area, is permitted per 5,000 square feet of building floor area.
- (k) Prior to the installation of any building/roof mounted telecommunications antenna, antenna array or support structure the Administrator may require an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

## 5.3 ACCESSORY USES AND STRUCTURES

### 5.3.1 Purpose

This section (Table 5.3-1) authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to primary uses. An accessory use or structure is "incidental and customarily subordinate" to a primary use if it complies with the standards set forth in this section. All primary uses allowed in a zoning district shall

be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this section. **Article XI: Definitions**, identifies typical accessory uses associated with principal uses as part of the primary use definition.

### 5.3.2 Approval Procedure

- (1) Generally: Any of the accessory uses identified in this section may be allowed as accessory to an authorized primary use provided that:
  - (a) The proposed accessory use is allowed as a principal or accessory use in the base district or overlay district where proposed.
  - (b) The proposed accessory use or structure is consistent with the general and specific standards for accessory uses in this subsection.
- (2) Simultaneously with a Principal Use: Accessory uses or structures may be reviewed as part of review of an associated primary use. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with an approved Specific Use Permit.
- (3) Subsequent to a Principal Use
  - (a) Unless exempted, a building permit shall be required in cases where an accessory use or structure is proposed subsequent to a primary use.
  - (b) In cases where the primary use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with the provisions in Section 3.3.3, Specific Use Permit Procedures.

### 5.3.3 Interpretation of Unidentified Accessory Uses and Structures

The Administrator shall evaluate and make determinations on applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

- (1) The definition of "accessory use" in **Article XI: Definitions**, and the general accessory use standards and limitations established in Section 5.3.5, General Standards for All Accessory Uses and Structures.
- (2) The purpose and intent of the zoning districts in which the accessory use is located.
- (3) Potential adverse effects the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district.
- (4) The compatibility of the accessory use with other primary and accessory uses permitted in the district.

5.3.4 Table of Accessory Uses and Structures

Table 5.3-1: Accessory Uses and Structures

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted \* = Additional Standards Apply

Use Type	Residential Districts																						Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts				Additional Standards
	RMU											KC																						
	A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	C	T	N	C	T											
Accessory Building (not listed below)	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec. 5.3.6 (1)									
Accessory Use (not listed below)	■	■	■	■	■	■	■	■	■	■	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec. 5.3.6 (1)									
Care taker's quarters	■*										■*	■*	■*	■*	■*	■*	■*								Sec. 5.3.6 (2)									
Carport	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*													■*		Sec. 5.3.6 (3)									
Community Center /Club house (private)	□	□	□	□	□	□	□	□	□	□									□	□	□	□	□											
Accessory dwelling unit (garage)	■*	■*	■*	■*	■*	■*																			Sec. 5.3.6 (4)									
Accessory dwelling unit (Primary structure)	■*	■*	■*	■*	■*	■*															■*				Sec. 5.3.6 (5)									
Residential Garage (detached)	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*										■*	■*		■*		Sec. 5.3.6 (6)									
Surface parking	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■										
Storage shed (residential)	■	■	■	■	■	■	■	■	■	■										■	■		■											
Swimming pool (private)	■	■	■	■	■	■	■	■	■	■		■	■					■		■	■		■											
Home-occupation	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*										■*	■*		■*		Sec. 5.3.6 (7)									
Electric vehicle charging station											■	■	■	■	■	■	■	■	■	■		■	■											
Outdoor storage											■*		■*	■*	■*				■*	■*		■*	■*		Sec. 5.3.6 (8)									
Outside display and sales											■*		■*						■*	■*		■*	■*		Sec. 5.3.6 (9)									
Recycling collection center														■	■	■																		
Sidewalk café											■*	■*	■*						■*	■*		■*	■*		Sec. 5.3.6 (10)									

### 5.3.5 General Standards for All Accessory Uses and Structures

All accessory uses and structures shall be subject to the general standards in this section, as well as any applicable additional standards in Section 5.3.6, Additional Accessory Use Standards and all standards applicable to the associated primary use as set forth in Section 5.2, Additional Use Standards.

- (1) Size: All accessory uses and structures shall:
  - (a) Be clearly subordinate in area, extent, and purpose to the primary use or structure.
  - (b) Not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance when taken together with the primary use or structure.
  - (c) The floor area of any detached accessory structure shall not exceed 30 percent of the floor area of the primary structure. The total combined floor area of all structures shall not exceed the maximum lot coverage for the zoning district in which it is located. The Administrator may authorize a structure to exceed this percentage if the structure is used for a permitted agricultural use.
- (2) Function: All accessory uses and structures shall directly serve the primary use or structure, and be accessory and clearly incidental to the primary use or structure.
- (3) Timing: Accessory uses and structures shall not be constructed or established prior to the start of construction of the primary use or structure. An accessory structure shall not be used until the construction of the primary structure is complete.
- (4) Height: Accessory structures shall be limited to a maximum height of 24 feet unless exempted from the height requirements in this Ordinance.
- (5) Location: Accessory uses or structures shall be located on the same lot as the primary use or structure and shall comply with setback standards in Section 5.3.6, Additional Accessory Use Standards.
  - (a) Accessory structures shall not be located within platted or recorded easements.
  - (b) The Administrator may authorize an accessory structure on a vacant lot if the structure is used for animal or crop production associated with an agricultural use, or used in conjunction with a park or community garden.
- (6) Design Compatibility:
  - (a) Except where exempted, all accessory structures shall be designed to be aesthetically compatible with the primary structure. Compatibility shall be evaluated in terms of building materials, building orientation, building placement, building articulations, and building mass. Non-enclosed stables, gazebos, greenhouses, and carports ten feet or less in height with a roofed area of 120 square feet or less are exempt from this compatibility requirement.
  - (b) Applicants for accessory structures not exempted in accordance with this subsection who request exceptions from the design compatibility requirements shall demonstrate screening methods or design features that will be used to minimize any potential adverse effects on neighboring properties.
- (7) Ownership: Accessory uses or structures shall be owned or operated by the same person as the primary use or structure.

**5.3.6 Additional Accessory Use Standards**

- (1) Accessory Buildings:
  - (a) Uses:
    - i. In all residential zoning districts, permitted accessory buildings include garages, storage sheds, gazebos, cabanas, storm shelters, and similar structures. An accessory building may be used for hobbies in such a manner as to be an accessory use only and shall produce no unreasonable odor, noise, light or manner of operation. Accessory buildings cannot be used for commercial or business purposes unless they are considered as home-occupations under this Ordinance.
    - ii. In all non-residential and special districts, accessory buildings are permitted only for uses listed in the Public and Institutional Uses category (typically non-commercial uses), as identified in Table 5.1-1, Allowed Uses.
  - (b) Building Design:
    - i. The standards for exterior materials and appearance of the accessory building are based on the size (area and height) of the structure itself and are set forth in Table 5.3-2, Accessory Building Design Standards, below.

Table 5.3-2: Accessory Building Design Standards		
Floor Area		Building Design Standards
<b>A.</b>	Less than or equal to 120 square feet in floor area	<ul style="list-style-type: none"> <li>• No requirement</li> </ul>
<b>B.</b>	More than 120 square feet but less than 550 square feet in floor area	<ul style="list-style-type: none"> <li>• No metal (standing seam metal allowed if present on primary structure)</li> <li>• Any other approved roofing material permitted.</li> <li>• Roof pitch shall be compatible with the roof pitch of the primary residence</li> <li>• Foundation – as required by the building code</li> </ul>
<b>C.</b>	550 square feet or larger in floor area	<ul style="list-style-type: none"> <li>• Same as the Primary building design standards in <b>Article VI</b></li> <li>• No metal (standing seam metal allowed if present on primary structure)</li> <li>• Any other approved roofing material</li> <li>• Roof pitch shall be compatible with the roof pitch of the primary residence</li> <li>• Foundation – as required by the building code</li> <li>• The exterior appearance of an accessory structure shall be architecturally compatible with the primary residence, including but not limited to coordination of architectural style, exterior building materials and colors, roof form and pitch, and window style and placement</li> </ul>

- (c) Setbacks and Number of Buildings
  - i. Front setback: Enclosed accessory buildings, such as garages, storage buildings or storm shelters, shall not be located forward of the primary building on the lot.
  - ii. Side and rear setbacks: An accessory building shall be located a minimum of five feet from side and rear property lines, except on corner lots. On corner lots, the primary building setback shall apply to accessory buildings also.

- iii. Number of accessory buildings:
  - 1. Lots that are one acre or less shall be limited to 2 accessory buildings in addition to the primary building.
  - 2. Lots that are greater than 1 acre shall have no limits on number of accessory buildings in addition to the primary structure up to the lot coverage standards in the zoning district. Lot coverage standards may not apply if the accessory buildings are for agricultural use per *Section 5.3.5 (1)*.
- (2) Caretaker's quarters: Caretaker's quarters may be permitted as an accessory use provided:
  - (a) The structure is oriented towards the side or rear yard of the primary structure.
  - (b) The unit is a maximum of 700 sq.ft. and shall contain no more than one kitchen.
- (3) Carports in any Required Front Yards:
  - (a) The purpose of this provision is to allow carports to be erected within the required front yard when no other feasible option exists on the qualifying residential lots.
  - (b) Approval: Carports may be permitted in required front yards of certain single-family residential lots where the Administrator determines that the proposed carport:
    - i. Is in keeping with the existence, location, and design of other carports on other adjoining lots in the same neighborhood or street.
    - ii. Will not cause sight obstructions to motorists on or entering the street or abutting neighborhood.
    - iii. Will not cause a negative visual impact on the streetscape of the neighborhood.
    - iv. Is compatible with the architectural style of the dwelling and the predominant architectural style of the neighborhood.
  - (c) Standards: Any carport that is permitted to occupy a portion of the required front yard shall comply with the following restrictions:
    - i. Freestanding carports that are not structurally integrated with the roof of the principal structure shall not exceed 18 inches of separation from the principal structure.
    - ii. Except for the roof, carports shall be painted to match or replicate the color of the trim areas of the primary structure/residence.
    - iii. Carports shall have a pitched roof that matches the existing pitch of the primary structure and that utilizes shingles that substantially match the color of the shingles used on the principal structure. The roof of the carport shall be either a closed gable or hip design. The Administrator may approve an alternate design to satisfy this requirement.
    - iv. Carports shall have dimensions no greater than 20 feet in length by 20 feet in width for lots with primary structures originally designed with two-car garages, and/or no greater than 12 feet in width for lots with principal structures originally designed with single-car garages.
- (4) Accessory Dwelling Unit (garage): An accessory garage apartment that meets the standards in this section shall not count as a dwelling unit for purposes of calculating density on the site:
  - (a) Shall be located above a detached garage.

- (b) Maximum size shall be either the garage floor area or 400 sq.ft (whichever is greater).
  - (c) Shall not have more than one kitchen or one bathroom.
  - (d) A separate entrance shall be provided to the garage apartment but it shall not be visible from any public street.
- (5) Accessory Dwelling Unit (primary structure): An accessory dwelling unit in the A, RE, R-10, R-7, R-5, NC, and RMU-N districts that meet the standards in this section shall not count as a dwelling unit for purposes of calculating density on the site. They shall:
- (a) Meet the setback and height standards of the primary structure on the lot.
  - (b) The unit shall not be larger than 40 percent of the principal residence on the lot up to a maximum of 600 square feet and shall not have more than one bedroom, one kitchen, or one bathroom.
  - (c) A separate entrance may be provided to the accessory unit but it shall not be visible from any public street.
- (6) Residential garage (detached):
- (a) If directly fronting a street, the maximum size shall be a 2-car garage.
  - (b) Design shall be compatible with the primary residence on the property.
  - (c) Garage shall not be located forward of the primary structure on the lot.
  - (d) Setbacks shall be the same as any other accessory buildings on the lot.
- (7) Home Occupation: A home occupation may be permitted as accessory to any principal dwelling unit districts that permit residential uses, subject to the following standards:
- (a) The home-based business shall be conducted by a resident of the primary dwelling.
  - (b) The business or service located within the dwelling shall not exceed 25 percent of the floor area of the house or 25 percent of the combined building area of all structures on the lot. Activities shall be wholly conducted within either the primary structure or in any detached accessory structure on the lot.
  - (c) The principal person(s) providing the business or service shall reside in the dwelling on the premises. Only one additional employee, other than the resident(s) of the primary dwelling unit, is permitted at the home-based business at any onetime.
  - (d) Neighborhood Compatibility:
    - i. The home-based business shall not cause any change in the external appearance of the existing buildings and structures on the property.
    - ii. All vehicles used in connection with the home-based business shall be of a size, and located on the premises in such a manner, so that a casual observer or a person of normal sensibilities will not be able to detect any sign of the premises being used as a home occupation. No vehicle larger than one ton shall be kept on the premises or shall be parked on the street.
    - iii. Parking of vehicles to accommodate the off-site employee or permitted customers shall be limited to the driveway of such premises or along the curb immediately adjacent to such premises.
    - iv. There shall be no advertising devices on the property or other signs of the home-based business that are visible from off the premises, other than advertising located on vehicles in accordance with the city's **Sign Ordinance**.
    - v. The property shall contain no outdoor display of goods or services that are

- associated with the home occupation. Outside storage is prohibited. For the purpose of this section, the parking of one enclosed trailer in a driveway is not considered outside storage.
- vi. The home-based business shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception. All home based businesses are subject to all other ordinances applicable in the City of Ennis.
- (e) Prohibited Home Occupations: The following uses, because of their effects on the surrounding residential area, shall not be permitted as home occupations:
- i. auto repair or motorized implement repair
  - ii. dance, music or other types of tutoring instruction where more than six students are being instructed at one time
  - iii. dental offices; medical offices
  - iv. the painting of vehicles, trailers or boats
  - v. private schools
  - vi. motor vehicle towing operation
  - vii. barber or beauty shops having more than two chairs
  - viii. welding shops
  - ix. nursing homes
  - x. any other home-based business that, in the opinion of the Administrator, will have negative effects on the neighborhood
- (8) Outside Storage: Shall meet the standards in Section 5.2.4, Commercial Uses.
- (9) Outside Display and Sales:
- (a) The use is not permitted within street frontage building setbacks or any landscape buffer area as required by **Article VI: Building and Urban Design Standards**.
  - (b) Limited to no more than five percent of building area containing the primary use.
  - (c) If along the store front, no building entrances shall be blocked and a minimum of 5-foot clear pedestrian passageway is provided along any public sidewalk or walkway.
  - (d) Use of a surface parking area is at the Administrator's discretion; it shall only be for temporary display and sales for seasonal items.
  - (e) If permitted to be displayed for more than 14 continuous days, then they shall be screened to meet the standards for screening of outside storage areas in Section 5.2.4, Commercial Uses.
- (10) Sidewalk Café: In all districts in which a sidewalk café is allowed, occupancy of a public sidewalk or parkway for a sidewalk café shall be permitted under the following conditions:
- (a) Use of any public sidewalk is subject to approval of an easement or right-of-way use agreement per city ordinances.
  - (b) The sidewalk to be used for outdoor seating must be abutting and contiguous to the restaurant.
  - (c) A sidewalk cafe may not be enclosed by fixed fencing or other structures, unless necessary to comply with requirements to serve alcohol per TABC regulations.
  - (d) A sidewalk cafe must be open to the air; however, it may be covered with a canopy.



- (e) There shall be a four-foot wide unimpeded sidewalk remaining for pedestrian flow from the face of the curb and the area of sidewalk café seating.
- (f) The sidewalk café shall be setback a minimum of five feet from any driveways and alleys, and six feet from intersections with no curb extensions (or bulb-outs) at the intersections.
- (g) All curbs, alleys, sidewalks, and public rights-of-way adjacent to such sidewalk café shall be kept in a clean and orderly condition.

## **5.4 TEMPORARY USES AND STRUCTURES**

### **5.4.1 Purpose**

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

### **5.4.2 Approval Procedure**

Any use listed in this section may be permitted as a temporary use provided:

- (1) Where indicated on Table 5.4-1, the proposed temporary use obtains a Specific Use Permit in accordance with the requirements in Section 3.3.3, Specific Use Permit Procedures.
- (2) The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.

5.4.3 Table of Temporary Uses and Structures

Table 5.4-1: Temporary Uses and Structures

■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted * = Additional Standards Apply																									
Use Type	Residential Districts											Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts					Additional Standards	
	A	RE	R-10	R-7	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	RMU			KC			
																			C	T	N	C	T		
Construction Office	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec. 5.4.5 (1)
Construction related storage-yard	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec. 5.4.5 (1)
Temporary Real estate sales office	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec. 5.4.5 (2)
Model Home	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	Sec. 5.4.5 (2)
Festivals and civic events (includes carnivals, circus, amusement rides, etc.)														■*						■*			■*	Sec. 5.4.5 (3)	
Garage sales	■*	■*	■*	■*	■*	■*	■*	■*			■*										■*	■*		■*	Sec. 5.4.5 (4)
Temporary storage containers	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*	■*										■*	■*		■*	Sec. 5.4.5 (5)
Seasonal sales	■*											■*		■*							■*			■*	Sec. 5.4.5 (6)
Any other temporary use or structure (other than listed above) e.g. batch plant	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□		

#### **5.4.4 General Standards for all Temporary Uses and Structures**

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Ordinance:

- (1) The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- (2) The temporary use shall comply with all applicable general and specific regulations of this Section 5.4, Temporary Uses and Structures, unless otherwise expressly stated.
- (3) Permanent Alterations (any alterations that do not comply with temporary use criteria and timelines outlined in this Ordinance) to the site are prohibited.
- (4) All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
- (5) The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
- (6) The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.
- (7) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to be accommodated, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including existing trees, required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- (8) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability. If located within a surface parking lot, it shall not occupy more than 30 percent of the parking lot.
- (9) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Official, including fire rating.
- (10) Off-street parking, including designation of the off-street parking spaces, shall be adequate to accommodate the proposed temporary use.

#### **5.4.5 Additional Standards for Temporary Uses and Structures**

- (1) Construction Field Office and Construction Storage Yard:
  - (a) This use is limited to on premise construction purposes associated with the properties within the same platted subdivision.

- (b) The Administrator may order the use to be discontinued, and in no event shall such temporary use continue after subdivision construction is 100percent complete.
- (2) Temporary Real Estate Office or Model Home:
  - (a) This use may be located in a model home or a portable building within the subdivision.
  - (b) The Administrator may order the use discontinued, and in no event shall such temporary use continue after subdivision sales are 80percent complete.
- (3) Festivals, Civic Events, Circus, Carnival, and Amusement Rides: Civic events and special events may be conducted within an existing use and ancillary to that use provided it meets the following criteria. [Nothing within this section shall regulate or prevent an individual residential property owner from conducting activities normally associated with residential uses, including outdoor parties and gatherings. In addition, such outdoors activities shall be subject to the other regulations and ordinances of the City of Ennis which regulate orderly conduct within the neighborhood and take into consideration the health, safety, and public welfare of the adjacent property owners]:
  - (a) The event is carried on for a period of time not exceeding seven (7) consecutive days. Applications for alternative zoning districts or extended periods of time are subject to Administrative approval.
  - (b) Retail sales may be conducted with the primary activity including arts, crafts, food, and other items.
  - (c) Charitable and Nonprofit Organizations may conduct retail sales for fund-raising purposes in any zoning district.
  - (d) Assemblies are carried on out-of-doors, in temporary shelters, or tents.
  - (e) A permit is obtained in accordance with the provisions provide herein.
- (4) Garage Sales or Yard Sales:
  - (a) No more than 3 garage sales within any one (1) calendar year may occur.
  - (b) The duration of the sale shall not exceed 72 hours. The next garage sale shall not occur until seven (7) consecutive calendar days have passed.
- (5) Temporary Storage Containers:
  - (a) Temporary storage containers may be allowed for residential and commercial moving or remodeling.
  - (b) Temporary storage containers shall be placed on the driveway or parking lot at the furthest point from the street.
  - (c) Temporary storage containers cannot be placed on any public right-of-way or in grassy areas in the front yard.
  - (d) Each residential lot shall be limited to two (2) temporary storage containers at a time; no more than twice per calendar year to be placed no longer than ten (10) consecutive days each time unless otherwise approved by the Administrator.
  - (e) Each non-residential lot shall be limited to two (2) temporary storage containers at a time; no more than twice per calendar year to be placed no longer than twenty (20) consecutive days each time unless otherwise approved by the Administrator.
  - (f) If used during remodeling, then the temporary storage container shall be removed within 10 days of final inspection or Certificate of Occupancy issuance.

- (6) Seasonal Sales: Outdoor seasonal sales are temporary uses which include but are not limited to snow cones, Christmas tree sales, pumpkin sales, plant sales, fresh produce sales and similar uses. Outdoor seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts or household goods. It shall also not include fireworks. The following standards shall apply:
- (a) The maximum duration of a single seasonal sales permit is 15 days. Only one sale is permitted per season on any single lot. Such a limitation shall not apply to farmers' markets and similar uses.
  - (b) On a developed lot, the maximum area for seasonal sales shall be no greater than 30 percent of any surface parking area. Such a limitation shall not apply to farmers' markets and similar uses.
  - (c) Outside display shall not block any sight triangles or fire lanes.
  - (d) On undeveloped lots, pre-existing access and parking may be gravel so long as it is maintained in good condition. New access or parking must be approved surfaces.

**CITY OF ENNIS, TEXAS**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**Article VI: Building and Urban Design Standards**

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**CITY OF ENNIS, TEXAS  
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**Article VI: Building and Urban Design Standards**

**6.1 APPLICABILITY**

Table 6.1-1 shall establish the applicability of the different standards in this section based on the type of development.

Table 6.1-1 Design and Development Standards Applicability Matrix						
■ = section applies      "blank cell" = section does not apply						
	Non-Residential Design Standards	Residential Design Standards	Neighborhood Conservation District Standards	Historic Overlay	Kaufman Corridor District	Comments
A. New Construction	■	■	■		■	
B. Change of use/expansion of existing use (with NO increase in building area)						
C. Interior remodel of existing buildings with no increase in building footprint						
D. Exterior remodel with or without any building or site addition of historically designated properties				■		
E. Expansion of Building Area (non-historic properties)						
i. 0% - 49% increase in building area regardless of increase in value of improvements 1. Standards in applicable sections shall apply only to the expansions	■	■	■		■	
ii. 50% or greater increase in building area AND any proposed improvements valued at or under \$99,000 i. Standards in applicable sections shall apply only to the expansions	■	■	■		■	
iii. 50% or greater increase in building area AND any proposed improvements valued at \$100,000 or more 1. Standards in applicable sections shall apply to the site including retrofitting of the existing building and site if non-complying subject to Administrative Modifications in Article III	■	■	■		■	
F. Façade changes to existing non-historic buildings (regardless of value of improvements proposed)	■	■	■		■	Only standards that impact the building façade in each section shall apply
i. Addition of non-air conditioned space such as patios, porches, arcades, canopies, and outdoor seating areas	■				■	Only standards that impact street fronting façades shall apply
ii. Changes to any street facing facades	■	■	■		■	Only standards that impact the building façade in each section shall apply



### **6.1.1 Design Review Committee:**

Any requested variations from the building material and design standards set forth in Article VI may be considered by a Design Review Committee composed of staff. Such requests should obviously reflect the aesthetic character and spirit that the Ennis Unified Development Ordinance portrays.

## **6.2 NON-RESIDENTIAL DESIGN STANDARDS**

### **6.2.1 Purpose and Intent:**

The intent of this section is to establish design and development standards that foster attractive and enduring non-residential development. The standards are intended to:

- (1) Protect and enhance the character and quality of retail, office, institutional and industrial areas in Ennis
- (2) Protect and enhance the long-term market value of property within Ennis
- (3) Enhance the compatibility between residential neighborhoods and adjacent commercial uses
- (4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large commercial and industrial buildings and centers
- (5) Promote building designs and construction practices that are enduring and adaptable to multiple uses for extended building lifecycles
- (6) Establish a sense of place for the commercial areas in Ennis
- (7) Balance the community's economic and aesthetic concerns

### **6.2.2 Applicability**

- (1) Table 6.1-1 shall establish the applicability of this section to new development and redevelopment.
- (2) These non-residential design standards shall apply to all new non-residential buildings and building expansions per Table 6.1-1 in all zoning districts except:
  - (a) Kaufman Corridor District (standards in Section 6.6.2 shall apply)
  - (b) Planned Development Districts and Regional Mixed Use Districts that have alternative building design standards adopted as part of an approved PD Ordinance.

### **6.2.3 Commercial Building and Site Design Standards:**

This section shall apply to all development in the following districts: NC Neighborhood Commercial, CC Corridor Commercial, and the PD District (unless exempt per 6.2.2(2)).

- (1) Cross access or shared access easements to adjoining sites (developed and undeveloped) shall be required unless topography makes the connection unfeasible.
- (2) Building Entry Design:
  - (a) The primary building entrance shall be readily apparent as a prominent architectural component from the street, thus creating a focal point. However, non-residential buildings with multiple tenants on the ground floor or multiple primary entrances shall have all entrances treated architecturally.
  - (b) Primary building entrances are to be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.
- (3) Building Design

- (a) Purpose: Building design directly influences the character and function of non-residential development. Generally, building design should focus on creating an attractive and coherent design with buildings that are adaptable for multiple uses over time based on changing market conditions.
  - (b) Building Articulation: HB 2439 - Buildings having facades wider than 40 feet shall be designed to reduce apparent mass by dividing the facades that are visible from a public right of way or adjoining developed property into a series of smaller components. No individual component shall have a length of more than 40 feet. Buildings having primary facades wider than 60 feet shall be designed to reduce apparent mass by dividing the primary facade into a series of smaller components. No individual component shall have a length of more than 60 feet. Components shall be distinguished from one another through two or more of the following:
    - i. Variations in roof form or variations in roof height or parapet of two feet or more
    - ii. Changes in wall plane of a minimum ten percent in width and a minimum 24 inches depth
    - iii. Variations in the arrangement and recessing of doors and windows
    - iv. Recognizable changes in texture or material
    - v. Decorative columns
  - (c) Windows and Transparency:
    - i. At ground level, buildings shall have a high level of transparency. All facades and walls that face any street, pedestrian walkways, and plazas (except rear service facades) must have windows for at least 30 percent of the façade between 2 feet and 7 feet above the grade.
    - ii. Where the internal arrangement of a building makes it impossible to provide transparency along a portion of a wall as determined by the Administrator, a combination of building articulation, changing color or texture to imitate the rhythm of windows or storefront displays may substitute for the required transparency along these facades, except when fronting a plaza or sidewalk café areas.
  - (d) Roof Forms: Variations in rooflines shall be used to add interest and reduce the scale of large buildings. Roof features shall correspond to and denote building elements and functions such as entrances, arcades, canopies, etc. They shall also complement the character of the overall development.
    - i. Flat Roofs: Unless the Administrator determines otherwise, flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from when viewed from the primary street. Parapets shall be constructed of the same material as the primary façade.
    - ii. Sloped Roofs: Pitched roofs shall have a minimum pitch of 4:12 for all structures. This requirement excludes roofs for entries and dormers. Any overhanging eaves shall extend at least 2.5 feet past the supporting walls.
- (4) Building Materials:
- (a) Exterior Walls: HB 2439 - All exterior building elevations shall be finished with a minimum of two different types of materials in a 75/25 ratio. All street facing exterior walls of primary buildings shall be finished with 75 percent of an

- approved material. A maximum of 25 percent of each elevation may include accent materials not listed on the approved material list but subject to approval by the Administrator.
- (b) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window boxes, or bay windows that do not extend to the foundation.
  - (c) Approved materials shall be defined as:
    - i. Native stone, brick, or tile laid up unit by unit and set in mortar
    - ii. Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath)
    - iii. Cultured stone or cast stone
    - iv. Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tilt wall that is made to look like masonry)
    - v. Architecturally finished pre-cast wall that is profiled, sculptured, or provides three dimensional interest similar to masonry
  - (d) Alternative building materials of similar appearance and durability to the approved list of materials may be permitted with an Administrative Modification.
  - (e) Non-street fronting building facades may be constructed with EIFS, tilt wall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.
- (5) Roof Materials: Sloped or pitched roofs shall be constructed of asphalt shingles, synthetic shingles, metal shingles, standing seam metal, or tile. Flat roofs may be constructed of any industry-standard material as approved by the Building Official, unless prohibited by this section.
- (6) Prohibited Materials: The following materials are prohibited as exterior cladding or roofing materials:
- (a) Aluminum siding or cladding (with the exception of Architectural metal)
  - (b) Galvanized steel or other bright metal (with the exception of Architectural metal)
  - (c) Wood or plastic (vinyl) siding
  - (d) Unfinished or smooth concrete block/masonry units or concrete wall
  - (e) Exposed aggregate
  - (f) Wood roof shingles, corrugated metal, tar paper, and brightly colored asphalt shingle roof materials are prohibited on all roof types
- (7) Façade Color: Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors may only be allowed with an Administrative Modification.
- (8) Design of Auto-Oriented Elements
- (a) Drive Through and Drive up Facilities:
    - i. Off-street stacking lanes for drive-through aisles must be provided as follows:
      - (i) Bank teller window, ATM: at least 60 feet measured from teller, window or ATM
      - (ii) Restaurant drive-through: at least 40 feet measured from order box, at least 60 feet between order box and first payment or pick-up window
      - (iii) Car wash: at least 60 feet measured from the wash bay entrance
      - (iv) Other uses with drive-through windows (pharmacy, dry cleaners, etc.): at least 60 feet measured from window

- ii. Drive-through aisles:
  - (i) Cannot interfere with the on-site parking and circulation for other vehicles on the site
  - (ii) Cannot interfere with on-site parking
  - (iii) Cannot result in traffic queuing into a drive aisle, adjacent property or street
  - (iv) Drive-through aisles shall be 10 feet - 12 feet wide
- (b) Design of gas pumps and canopies:
  - i. There shall be at least 20 feet for one vehicle stacked behind the vehicle at the far end of a row of gas pumps, and room for other vehicles to bypass stacked vehicles at fueling areas
  - ii. Canopies shall include design elements found on the main building, including color, materials and roof pitch
  - iii. Canopy support poles shall include decorative corbels consistent with the overall architectural theme of the site, or pole covers at least 18 inches wide with a similar surface material and architectural treatments as the dominant material on the main structure

#### **6.2.4 Business Park and Industrial Building Design Standards**

This section shall apply to all development in the following districts: BP, L-IM and H-IM Districts (unless exempt per 6.2.2(2)).

- (1) Building Entry Design:
  - (a) The primary building entrance shall be readily apparent as a prominent architectural component from the Primary Street, thus creating a focal point.
  - (b) Design of primary building entries shall employ architectural elements such as canopies, recessed lobbies, contrasting materials, and colors. Main office, lobby, and reception functions within industrial buildings should face the Primary Street.
  - (c) Private and service entries shall be placed to the rear of the building and away from the Primary Street or Highway frontage.
- (2) Building Design
  - (a) Purpose: Building design directly influences the character and function of a business or industrial park. Generally, building design should focus on creating an attractive and coherent design with buildings in a “campus” like setting.
  - (b) Primary Building Facades: Service, loading, unloading, and truck bay functions shall not be located along the primary building facades.
  - (c) Building Articulation: Buildings having highway facing and primary facades wider than 80 feet shall be designed to reduce apparent mass by dividing the primary facade into a series of smaller components. No individual component shall have a length of more than 80 feet. Components shall be distinguished from one another through at least two or more of the following:
    - i. Variations in roof form or variations in roof height or parapet of two feet or more
    - ii. Use of canopies or awnings to add shade and define building entrances
    - iii. Changes in wall plane of a minimum ten percent in width and a minimum 24 inches depth
    - iv. Variations in the arrangement and recessing of doors and windows
    - v. Recognizable changes in texture or cladding material
    - vi. Use of architectural patterns or panels

- vii. Columns or pilasters
- (d) Windows and Transparency:
  - i. At ground level, at least one street facing or the primary facade of buildings, shall have windows for at least 20 percent of the façade between 2 feet and 7 feet above the grade.
  - ii. Where the internal arrangement of a building makes it impossible to provide transparency along a portion of a wall as determined by the Administrator, a combination of building articulation, changing color or texture to imitate the rhythm of windows may substitute for the required transparency along these facades.
- (e) Roof Forms: Variations in rooflines shall be used to add interest and reduce the scale of large buildings. Roof features shall correspond to and denote building elements and functions such as entrances, tower elements, arcades, canopies, etc. They shall also complement the character of the overall development.
  - i. Flat Roofs: Generally, flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure, unless the Administrator approves otherwise. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. Parapets shall look complete from when viewed from the primary street frontage. Parapets shall be constructed of the same material as the primary façade.
  - ii. Sloped Roofs: Pitched roofs, if used, shall have a minimum pitch of 4:12 for all structures. This requirement excludes roofs for entries and dormers. Any overhanging eaves shall extend at least 2.5 feet past the supporting walls.
- (3) Building Materials:
  - (a) Exterior Walls: HB 2439 - All exterior building elevations, except rear elevations that are not visible from a public right of way, shall be finished with a minimum of two different types of materials in a 80/20 ratio.
    - i. All street facing primary street facing facades shall be finished with 40 percent of any approved material
    - ii. All other street facing or side facades shall be finished with 25percent of any approved materials
    - iii. All non-street facing rear facades shall have no minimum requirement for approved materials
  - (b) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window boxes, or bay windows that do not extend to the foundation.
  - (c) Approved materials shall be defined as:
    - i. Native stone, brick, or tile laid up unit by unit and set in mortar
    - ii. Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath)
    - iii. Cultured stone or cast stone
    - iv. Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tilt wall that is made to look like masonry
    - v. Architecturally finished pre-cast wall that is profiled, sculptured, or provides three dimensional interest similar to masonry
  - (d) Prohibited Materials: shall include:
    - i. Wood or plastic (vinyl) siding

- ii. Exposed aggregate
- (e) Accent Materials: The following materials may be for the remaining percent of any facade:
  - i. Corrugated metal or other metal siding or cladding (including architectural metal) shall only be permitted as an accent material
  - ii. EIFS may be permitted on rear and/or non-street fronting facades only without limitation
- (f) Approved Roof Materials: Sloped or pitched roofs shall be constructed of asphalt shingles, synthetic shingles, standing seam metal, or tile. Flat roofs may be constructed of any industry-standard material as approved by the Building Official, unless prohibited by this section.
- (g) Prohibited Roof Materials: Wood roof shingles, corrugated metal, tar paper, and brightly colored asphalt shingle roof materials are prohibited on all roof types.
- (4) Facade Color: Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors may only be allowed with an Administrative Modification.
- (5) Design of Auto-Oriented Elements: Any drive thru and drive-up facilities in the BP, L-IM, and H-IM shall meet the standards in **Section 6.2.3**.

## 6.3 RESIDENTIAL BUILDING DESIGN STANDARDS

### 6.3.1 Purpose

The standards of this section are intended to:

- (1) Promote high-quality residential developments that are distinctive, have character and relate and connect to established neighborhoods
- (2) Provide variety and visual interest in the exterior design of residential buildings
- (3) Create new neighborhoods that age gracefully and add long term value to the city
- (4) Protect property values

### 6.3.2 Single-Family and Duplex Residential Building Design Standards

- (1) Applicability: This section shall apply to all new single-family residential development in all zoning districts with the following exceptions:
  - (a) Planned Development Districts or Regional Mixed Use Districts that have specific residential design standards and are approved after the adoption date of this Ordinance
  - (b) Neighborhood Conservation District and Kaufman Corridor District,
  - (c) The Residential Historic Overlay
- (2) Building Materials:
  - (a) Approved Façade Materials: HB 2439 - The exterior building facades of each single-family residential building shall be finished with a minimum of two different types of materials in a 70/30 ratio. The exterior building facades of each single-family residential building shall contain a minimum total of 70 percent (surface area excluding doors and windows) masonry (natural stone, brick, or 3-step stucco), with at least 30 percent masonry on the primary street facade. Non-masonry facades may be permitted if:
    - i. New residential structures on vacant lots in subdivisions platted prior to the adoption date of this Ordinance shall be allowed to meet the architectural style and character of the adjacent existing residential structures

- ii. "Barndominiums" (metal residential buildings) shall be allowed on lots that are a minimum of 2.5 acres, zoned Agricultural, setback a minimum of 75 feet from the primary street, and setback a minimum of 150 feet from the side and rear property lines
- (b) Building Design:
  - i. HB 2439 - Four-Sided Architecture: All elevations of a single-family residential building shall display a comparable level of quality and architectural detailing as on the front elevation
  - ii. The residential structure must incorporate at least four of the following façade design elements:
    - (i) Bay or box windows
    - (ii) Porches, stoops or covered entries
    - (iii) Dormers
    - (iv) Structural offsets a minimum of four feet from the principal plane of the front facade
    - (v) Accent materials such as brick, stone, or stucco with banding highlights
    - (vi) Ornamental or decorative window grills and shutters
    - (vii) An increase in roof pitch to a minimum of 8/12 on the main structure
    - (viii) Other comparable feature as approved by the Administrator
  - iii. The residential structure must also comply with the following minimum roof pitches:
    - (i) 6/12 on the main structure
    - (ii) 4/12 on secondary roofs such as porches, sheds, bay windows, etc. but 2/12 is allowed where the secondary roof is metal
- (c) Roof Materials: May be shingles (slate or asphalt), standing seam metal, or tiles (clay or concrete)
- (d) Prohibited materials: masonite and vinyl siding
- (e) Other materials as approved by the Administrator

### **6.3.3 Three-Family to Multi-Family Residential Building Design Building Standards**

- (1) Applicability: This section shall apply to all new multi-family residential buildings in all zoning districts with the following exceptions:
  - (a) Planned Development Districts or Regional Mixed Use Districts that have specific residential design standards and are approved after the adoption date of this Ordinance
  - (b) Neighborhood Conservation District and Kaufman Corridor District
  - (c) The Residential Historic Overlay
- (2) Site Design and Building Orientation
  - (a) Site Access
    - i. New multi-family developments with 100 or more units shall have primary access from an arterial street and shall comply with the following standards:
      - (i) A minimum of one secondary point of ingress/egress into a multi-family development may be required for public safety access as determined by the Fire Department.
      - (ii) No primary vehicular access from a multi-family development shall be provided on a local street serving existing single-family

- detached development; however, secondary vehicle access may be provided onto local streets.
- ii. New multi-family development with fewer than 100 units may take primary access from a collector street, if approved by the Fire Department.
- (b) Entry feature design: The following landscaping standards shall apply to the primary entrance:
- i. The main site entry for multi-family developments shall be treated with special landscape elements that will provide an individual identity to the project.
  - ii. Site entry and access drives for multi-family development shall include at least one (1) of the following:
    - (i) a minimum 5-foot wide and 50-foot long landscaped median
    - (ii) textured paving, interlocking pavers, or other decorative pavement
    - (iii) gateway elements such as lighting, bollards, entry fences, or monuments
    - (iv) a roundabout containing landscaping, water feature, or artwork
    - (v) other improvements as approved by the Administrator
- (c) Building Orientation and Common Open Space
- i. Building Orientation:
    - (i) Buildings must be oriented towards either the perimeter streets, or an internal drive (i.e. private street) or open space amenity (excludes required yards), rather than orientation only to internal parking lots.
    - (ii) Garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the street frontages.
  - ii. Common Open Space: Shall be a minimum of 5percent of the gross site area and shall meet standards in Section 8.3 of this Ordinance.
- (d) Site Amenities Required: In conjunction with the common open space requirements, all multifamily projects shall provide two or more site amenities listed below for the residents. Amenities shall be centrally located for a majority of the residents, and may be located within the common open space areas.
- i. Swimming pool
  - ii. Sports courts, such as tennis, basketball, or volleyball
  - iii. Natural open space area with accessible and connected benches
  - iv. Jogging trails
  - v. Fountains, art, or sculpture
  - vi. Playgrounds
  - vii. Other comparable amenity as approved by the Administrator
- (3) Building Design:
- (a) Four-sided architecture: All sides of a multi-family building shall display a comparable level of quality and architectural detailing as on the front elevation.
  - (b) Articulation:
    - i. Maximum length of any multi-family residential building shall be 200 feet
    - ii. The elevations of all multi-family buildings shall be articulated through the incorporation of at least two (2) or more of the following:
      - (i) Balconies, a minimum of 25 square feet in area
      - (ii) Bay or box windows



- (iii) Porches or covered entries
  - (iv) Dormers
  - (v) Awnings or canopies
  - (vi) Structural offsets a minimum of four feet from the principal plane of the facade
  - (vii) Accent materials such as brick, stone, or stucco with banding highlights
  - (viii) Ornamental or decorative window grills and shutters
  - (ix) Vertical elements such as towers or building end-caps that demarcate building modules
  - (x) Other comparable feature as approved by the Administrator
- (c) Building Entrances: Building entries next to a public street, private drive or parking area, providing an expression of human activity or use in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- (d) Windows:
- i. All walls and elevations on all floors of multi-family buildings must have windows, except when necessary to assure privacy for adjacent property owners as determined by the Administrator.
  - ii. Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas.
- (e) Roof Design:
- i. On buildings with pitched roofs, the minimum roof pitch is 6:12.
  - ii. On buildings where flat roofs are the predominant roof type, parapet walls must vary in height and/or shape once every 50 feet along a wall.
  - iii. Changing roof forms or towers, if used, shall be designed to correspond and denote building elements and functions such as entrances and stairwells.
- (4) Building Materials:
- (a) HB 2439 - The exterior building facades of each building shall be finished with a minimum of two different types of materials in a 70/30 ratio for first floor exteriors and 40/60 ratio for floor exteriors above the first floor.
  - (b) A minimum of 70percent of the first floor exterior facades and 40percent of all floors above the first floor exterior facades (excluding doors and windows) shall be finished with the following materials: Masonry (natural stone or brick or 3-step stucco), hardie plank (on upper floors), cultured or cast stone or split faced architectural block (CMU) in natural colors made to look like stone.
  - (c) Fiber cement siding, architectural metal, etc., may be used as secondary exterior materials.
  - (d) In no case shall a building have more than a total of three building materials on any façade (primary and secondary materials only and excludes any trim details, moldings, or decorations).
- (5) Roof Materials:
- (a) Roof materials must be high quality, durable and consistent with the architectural style established for the overall development.
  - (b) Acceptable roof materials include asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs.

## 6.4 NEIGHBORHOOD CONSERVATION DISTRICT STANDARDS

**6.4.1 Purpose:** The standards of this section are intended to:

- (1) Promote context sensitive developments that implement Ennis' vision for specific neighborhoods and corridors
- (2) Preserve the existing traditional neighborhood context of small and connected blocks
- (3) Allow a variety of lots and homes that generate a cohesive pattern with streets as civic places
- (4) Minimize the impact of driveways and garages along the street to preserve pedestrian orientation along neighborhood streets
- (5) Encourage simple residential facades and roof structures with traditional architectural styles in keeping with the character of the existing neighborhoods
- (6) Protect property values

**6.4.2 Applicability:**

- (1) This section shall apply to all new development or building additions of non-historic sites within the NC district.
- (2) Standards in this Section shall apply based on Residential Building Types
  - (a) For new development on vacant lots, the standards in Section 6.4.3 Detached House standards shall apply.
  - (b) For building additions, remodels, or redevelopment of all other Residential Building Types, Table 6.4-2 shall apply.

**Table 6.4-2 Residential Building Types**

Residential Use	Residential Building Types	Design Standards
Single-Family Dwelling Unit	Detached house	Section 6.4.3
Duplex, triplex, townhome (less than 4 units per lot)	Duplex or Rowhouse	Section 6.4.4
Multi-family residential (4 – 8 units)	Small apartment	Section 6.4.5
Multi-family residential (9 – 20 units per building)	Large apartment	Section 6.4.6

**6.4.3 Detached House Standards:**

- (1) Building Type: is a small to medium sized detached structure on a small to mid-sized lot that incorporates one primary residence which is in a neighborhood with compact blocks (less than 1,200 foot block perimeter) and in a walkable setting.
- (2) Building Orientation:
  - (a) Primary Building Setbacks and Lot Coverage: Shall meet the standards in **Article IV Zoning Districts**.
  - (b) Building Entry Features:
    - i. All buildings shall have doors oriented towards the primary street. The main entry to the home shall be visible from the street.
    - ii. Provide a prominent entry feature (either projected or recessed) that reflects the home's architectural style. Common projected entries allowed are porches and stoops.



*Images showing permitted entry features*

- (c) Garage Location  
Whether accessed from an alley or from a street, all garages (attached or detached) on interior lots shall be located at least five feet behind the front plane of the primary façade. On corner lots, garages shall be located in the rear two-thirds of the lot.

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- (3) Façade Elements: All facades visible from any streets shall meet the following standards:
- (a) Facades shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.
  - (b) Architectural embellishments that add visual interest to the street facing facades roofs, such as corbels, porch or balcony railings, columns, window sills, dormers and chimneys are encouraged.
  - (c) Windows shall be vertical or square unless the architectural style supports horizontally proportioned windows. The same window types and proportions shall be maintained on any single façade. If shutters are used, they shall be half the size of the window opening.
  - (d) Windows shall have a wood trim around them. The trim width should be matched to the style, but shall not be less than 3-1/2 inches wide. Window, door and eave trim should be consistent along all street facing elevations of the house, in terms of material, material dimensions and decorative features such as shape, carving, reveals, etc.

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*Images showing permitted façade elements  
along street facing facades*

- (4) Roof Design:
- (a) Shall be simple gabled or hipped roofs.
  - (b) Excessive number of roof ridges and forms shall be avoided.
  - (c) Gable roofs, if provided, shall have a minimum pitch of 9/12. When hipped roofs are used, the minimum pitch shall be 6/12.
  - (d) Shed roof shall be permitted for porches and additions only.
  - (e) Roof elements such as dormers, chimneys, skylights, and varying heights and ridgelines may be utilized to ensure good design and neighborhood continuity. However, these shall be clearly subordinate in scale to the scale of the roof structure and architectural style of the home.



*Images showing acceptable roof design*

- (5) Building Materials:
- (a) Primary façade materials: Wood siding (excluding Masonite), compatible cementations fiber siding such as hardie-plank siding, masonry (uniform brick or natural stone), and 3-step stucco may all be used as primary façade materials.
  - (b) When using a mix of primary façade materials, a maximum of 2 primary materials shall be permitted on each facade. An even split of materials (i.e., 50/50) on the facades shall not be permitted. One material shall be at least 2/3 of the façade.

- (c) Other materials may be used as accent materials and they shall be limited to trims, cornices, balconies, eaves, stairs, balustrades, pediments, columns, and other decorative elements.
- (6) Roof Materials: May be shingles (slate or asphalt), standing seam metal, or tiles (clay or concrete).

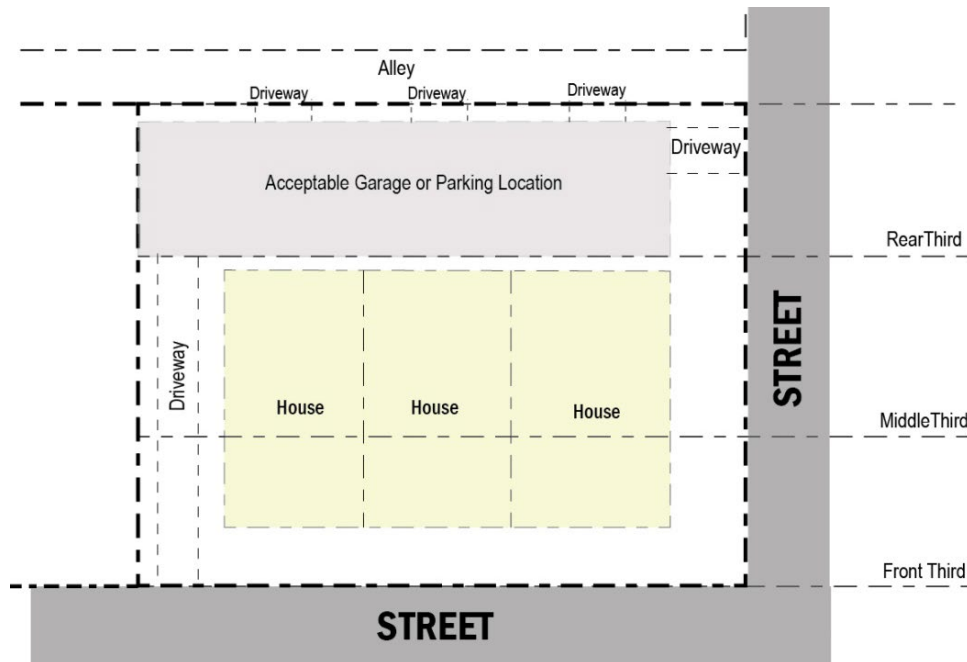
#### 6.4.4 Duplex or Row House Standards

- (1) Building Type: is a small to medium sized structure that consists of at least two and no more than four side-by-side or stacked residential units on a mid-sized lot. All units typically face the street and it may appear like a row house or a large single-family home.
- (2) Building Orientation:
  - (a) Primary Building Setbacks and Lot Coverage: Shall meet the standards in Article IV with the exception of the following:
    - i. Lot size for individual row house lots may be a minimum of 2,400 square feet
    - ii. Lot width minimum shall be 24 feet.
    - iii. Interior setbacks between units which may be zero feet but shall meet fire separation standards.
  - (b) Building Entry Features:
    - i. Entry to each unit shall have doors oriented towards and visible from the primary street.
    - ii. Each unit shall provide a prominent entry feature (either projected or recessed) that reflects the home's architectural style. Common projected entries allowed are porches and stoops.



*Images showing appropriate building entry features*

- (c) Garage or Parking Location
  - i. Whether accessed from an alley or from a street, all garages (attached or detached) shall be located within the rear third of the lot (see illustration in Figure 6.4-2). On corner lots, garages shall be located at or behind the primary façade along that street.
  - ii. Garage setbacks along rear and side property lines (except alleys) shall only be required to meet fire separation standards.
  - iii. Garage setbacks from alleys shall be a minimum of 5 feet.



*Figure 6.4-2: Image showing acceptable garage or parking location*

- (3) Façade Elements: All facades visible from any streets shall meet the following standards:
  - (a) Buildings shall maintain a façade module between 20 feet and 40 feet with repetition of the major façade elements such as windows, doors, porches or stoops. Building shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure.
  - (b) Architectural embellishments that add visual interest to the street facing facades roofs, such as corbels, porch or balcony railings, columns, window sills, dormers and chimneys are encouraged.
  - (c) Windows shall be vertical or square unless the architectural style supports horizontally proportioned windows. The same window types and proportions shall be maintained on any single façade. If shutters are used, they shall be half the size of the window opening.
  - (d) Windows shall have a wood trim around them. The trim width should be matched to the style, but in shall not be less than 3-1/2 inches wide. Window, door and eave trim should be consistent along all street facing elevations of the house, in terms of material, material dimensions and decorative features such as shape, carving, reveals, etc.
- (4) Roof Design: Shall meet the standards for a Detached House.
- (5) Building Materials: Shall meet the standards for a Detached House.
- (6) Roof Materials: Shall meet the standards for a Detached House

#### **6.4.5 Small Apartment Building Standards**

- (1) Building Type: is a small to medium sized structure that consists of at least five and no more than eight side-by-side and/or stacked residential units on a mid-sized lot. Units typically share a common entrance or ground floor units may have individual entries along the street.

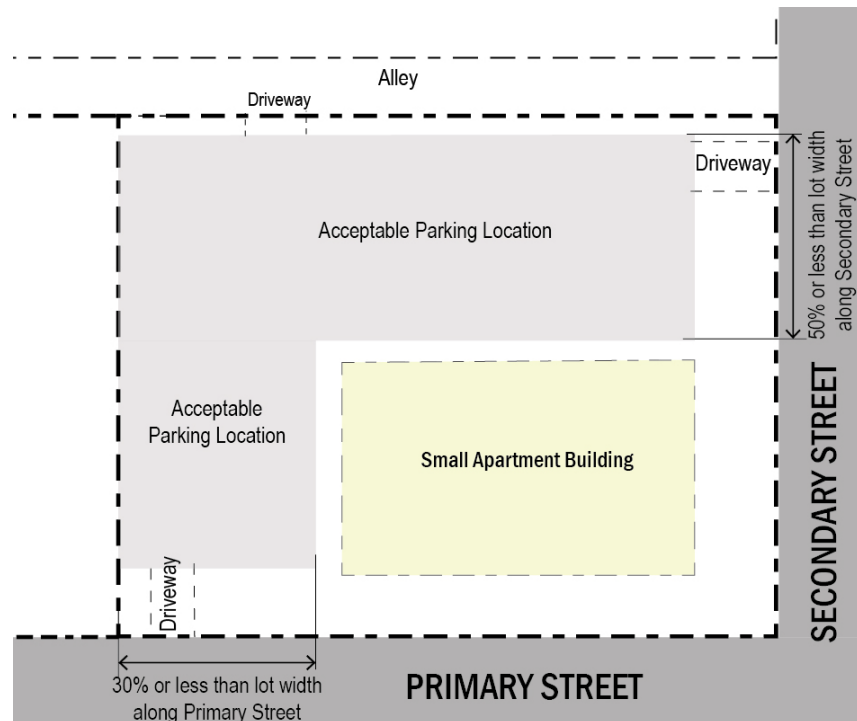
- (2) Building Orientation:
- (a) Primary Building Setbacks and Lot Coverage: Shall meet the standards in Article IV with the exception of the following:
- i. Interior setbacks between units may be zero feet but shall meet fire separation standards.
- (b) Building Entry Features:
- i. The main entry to the building shall be emphasized with a canopy, porch or a stoop. The main entry shall lead to an interior lobby which shall have access to interior units.
  - ii. Units located along a street façade on the ground floor may have individual entries from the street. However, such entries shall be distinguished from the main building entry in terms of lower scale and prominence than the main building entry.



*Images showing appropriate building entry features*

- (c) Garage or Parking Location
- i. No off-street parking shall be located between the principal building and the street.
  - ii. Off-street parking shall only be located on the side or rear of the principal structure on the lot (see illustration in Image 6.4-3). Parking shall occupy no more than 30 percent of any primary street frontage along a lot.
  - iii. On corner lots:
    - (i) Parking shall be located at or behind the façade along all the street frontages.
    - (ii) Parking shall occupy no more than 50 percent of the lot width along the secondary street and 30 percent of the lot width along the primary street.
  - iv. Parking setbacks from alleys shall be a minimum of 5 feet.
  - v. Any surface parking located along any primary or secondary street frontage shall be screened by a parking screen per Article VII.





**Figure 6.4-3: Image showing acceptable garage or parking location**

- (3) Façade Elements: Shall meet the standards for a Duplex or Row House
- (4) Roof Design:
  - (a) On buildings with pitched roofs, the minimum roof pitch is 6:12.
  - (b) On buildings where flat roofs are the predominant roof type, parapet walls must vary in height and/or shape once every 50 feet along a wall.
  - (c) Changing roof forms or towers, if used, shall be designed to correspond and denote building elements and functions such as entrances and stairwells.
- (5) Building Materials: Shall meet the standards for a Detached House.
- (6) Roof Materials: Shall meet the standards for a Detached House.

### 6.4.6 Large Apartment Building Standards

- (1) Building Type: is a medium to large sized structure that consists of at least nine and no more than twenty side-by-side and/or stacked residential units on a large lot. Units typically share a common entrance and units do not have direct access from the street.
- (2) Building Orientation:
  - (a) Primary Building Setbacks and Lot Coverage: Shall meet the standards in Article IV with the exception of the following:
    - i. Interior setbacks between units may be zero feet but shall meet fire separation standards.
  - (b) Building Entry Features:
    - i. The main entry to the building shall be emphasized with a canopy, porch or a stoop through a courtyard or a fore court. The main entry shall lead to an interior lobby which shall have access to interior units.
    - ii. Upper floor residential units shall be accessed via internal corridors. External access to upper floor units via common balconies shall be prohibited



*Images showing appropriate building entry features*

- (c) Garage or Parking Location: Shall meet the standards for a Small Apartment Building
- (3) Façade Elements:
  - (a) Maximum length of any Large Apartment building along a primary street shall be 120 feet.
  - (b) The street facing elevations of all Large Apartment buildings shall be articulated through the incorporation of at least three (3) or more of the following:
    - i. Balconies, a minimum of 25 square feet in area
    - ii. Bay or box windows
    - iii. Dormers
    - iv. Accent materials such as brick, stone, or stucco with banding highlights
    - v. Ornamental or decorative window grills and shutters
    - vi. Vertical elements such as towers or building end-caps that demarcate building modules;
    - vii. Other comparable feature as approved by the Administrator
  - (c) Windows:

- i. All walls and elevations on all floors of a Large Apartment building must have windows, except when necessary to assure privacy for adjacent property owners as determined by the Administrator.
  - ii. Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas.
- (4) Roof Design:
  - (a) On buildings with pitched roofs, the minimum roof pitch is 6:12.
  - (b) On buildings where flat roofs are the predominant roof type, parapet walls must vary in height and/or shape once every 50 feet along a wall.
  - (c) Changing roof forms or towers, if used, shall be designed to correspond and denote building elements and functions such as entrances and stairwells.
- (5) Building Materials: Shall meet the standards for a Detached House.
- (6) Roof Materials: Shall meet the standards for a Detached House.

## 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.

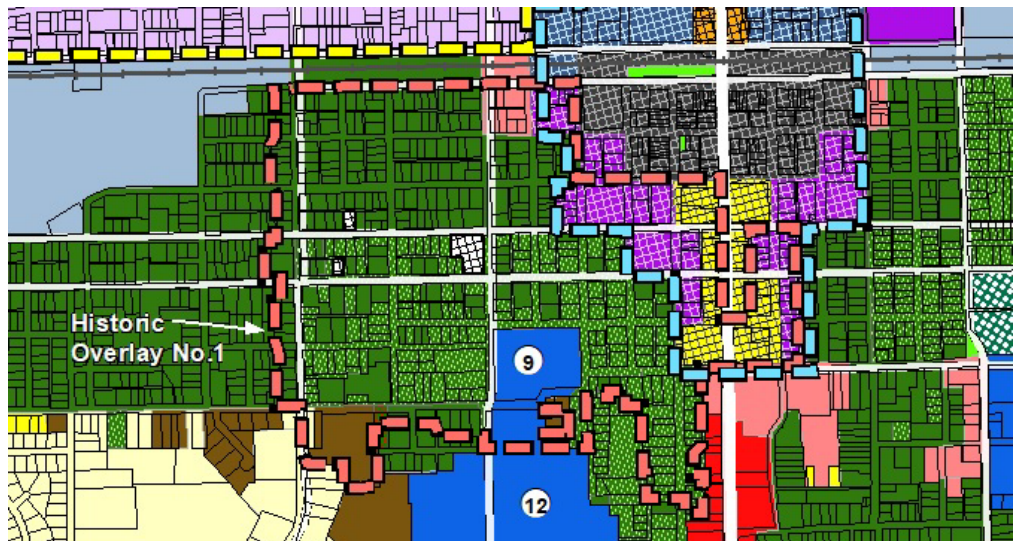


Figure 6.5-1 – Residential Historic Overlay #1



- (2) The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
- (3) They shall not apply to those activities which constitute ordinary repair and maintenance, i.e. using the same material and design.

### 6.5.3 Architectural Styles in Residential Historic Overlay #1

Prior to the railroad, most houses were plain structures built with locally available materials. The rise of industrialization and expansion of the railroad made it possible for homeowners to obtain milled and mass produced building materials and to design and decorate their homes using current architectural styles. Between 1890 and 1920, the four most popular styles of architecture were Queen Anne, Folk Victorian, Neoclassical, and Bungalow. Each of these styles uses distinct elements such as massing, height, roof line, windows and doors, and entry details. Since it is the combination of these elements which create the style, it is preferable to keep stylistic elements on a house consistent, and not to mix and match elements from different styles.

The following information is intended to provide homeowners and applicants information on the four most popular historic architectural styles in Ennis, especially in the Ennis Residential Historic Overlay #1. They are intended to assist in designing existing home remodels to be more consistent with the architectural traditions in the area. Though these preferred architectural styles reinforce the existing context of the Ennis Historic Residential District, it does not preclude other styles from being considered.

(1) Folk Victorian (1870 – 1910)

Distinguishing Characteristics	
<p>The style is defined by the presence of Victorian decorative detailing on simple house forms. The primary areas for the application of this detailing are the porch and cornice line.</p> <ul style="list-style-type: none"> <li>• Symmetrical facade or gable-front-and-wing facade.</li> <li>• Window surrounds are generally simple or may have a simple pediment above.</li> <li>• Porches with spindle work detailing or flat, jigsaw cut trim attached to simple house forms.</li> </ul>	
	<p><b>Examples</b></p> <p><b>708 Brown</b></p> <p>Almost all of the Folk Victorian homes in Ennis began with a basic L-shape plan (gable front and wing facade) to which the owners added mass-produced detailing.</p>
	<p><b>616 Denton</b></p> <p>This house is an excellent example of the side-gabled, two story form of Folk Victorian.</p>

(2) Queen Anne (1880-1910)

**Distinguishing Characteristics**

This style was named and popularized by a group of 19-century English architects, although it has little to do with the style of architecture that was common during the reign of Queen Anne. It was highly sought after and readily available due to pattern books and mail order house plans. Queen Anne houses are easily recognizable through a number of design features:

- Steeply pitched roofs of irregular shape
- Asymmetrical facade
- Usually has a dominant front-facing gable
- Round, square or polygonal towers
- Devices to avoid a smooth-walled appearance such as using several wall materials of differing textures, particularly patterned wood shingles
- Avoiding plain, flat walls through devices such as bays, towers, overhangs, and wall projections
- Cutaway bay windows
- Simple door and window surrounds
- Porch extends along either one or both side walls
- Partial or full-width porch, usually one story high

About half of Queen Anne houses have delicate turned porch supports and spindle work ornamentation. This most commonly occurs in porch balustrades or as a frieze suspended from the porch ceiling. Spindle work detailing is also used in gables and under wall overhangs left by cutaway bay windows.



**Examples**  
**501 McKinney**


This house is a typical Queen Anne and shows one of the most distinctive characteristics of this style: a steeply hipped roof with two lower cross gable




**704 Preston**

This house shows the less common Queen Anne shape of a simple cross gabled roof.

(3) Neoclassical (1895-1955)




Distinguishing Characteristics	
<p>The White City” of the 1893 World’s Columbian Exposition in Chicago renewed interest in the classical designs of Ancient Greece and Rome. Neoclassical houses use many features of classical designs and are usually painted white to simulate the stone of monumental architecture. The main areas for adding decorative features are porch-support columns, cornices, doorways and windows. Characteristic features include:</p> <ul style="list-style-type: none"> <li>• Facade dominated by a full-height porch</li> <li>• Roof supported by classical columns</li> <li>• Facade shows symmetrically balanced windows and center door</li> <li>• Doors commonly have elaborate, decorative surrounds</li> <li>• Rectangular windows with double hung sashes</li> <li>• Roof-line balustrades are common</li> </ul>	
	<p><b>Examples</b> <b>307 Sherman</b></p>
<p>This house is a good example of a Neoclassical house with its symmetrical plan designed around a central entry.</p>	




(4) Bungalow (1905-1930)

Distinguishing Characteristics	
<p>In America, the term bungalow refers to small or medium-sized homes that have:</p> <ul style="list-style-type: none"> <li>• Low-pitched, gabled roofs</li> <li>• Wide, unenclosed porches</li> <li>• Exposed roof rafters</li> <li>• False, decorative beams under gables</li> <li>• Roof supported by tapered, square columns</li> <li>• Columns or piers extend to ground level</li> <li>• Usually one or one and a half stories</li> </ul>	
	<p><b>Examples</b> <b>204 Belknap</b></p>
<p>Often associated with the “Craftsman” Movement, its practical layout, affordability, and artistic details made the bungalow the most popular home style in Ennis between 1910 and 1930.</p>	



### 6.5.4 Design Standards

(1) Roofs and Chimneys	
<p>Historic roof forms in Ennis are primarily gabled or hipped. The pitches on these structures are either low (under 30 degrees), or moderate to varied (between 30 and 45 degrees).</p> <p>Additions shall provide a roof line and shape that is compatible with the historic roof line of the original structure. Roofing material shall also complement the color and material on the original structure.</p> <p>Chimneys were either built within the envelope of the structure or were built into an exterior wall. They served key functions in historic homes and shall not be removed or altered.</p>	
	<p style="background-color: #2c5e8c; color: white; padding: 2px;"><b>704 Preston – Queen Anne</b></p> <ul style="list-style-type: none"> <li>• Interior brick chimney</li> <li>• Gabled roof of composite shingle material</li> <li>• Moderate pitch on main roof</li> <li>• Low pitch on porch roof</li> </ul>
	<p style="background-color: #2c5e8c; color: white; padding: 2px;"><b>508 Dallas – Mixed Styles</b></p> <ul style="list-style-type: none"> <li>• Hipped roof of composite shingle material</li> <li>• Moderate pitch on main roof</li> <li>• Low pitch on porch roof</li> </ul>
	<p style="background-color: #2c5e8c; color: white; padding: 2px;"><b>810 Preston - Bungalow</b></p> <ul style="list-style-type: none"> <li>• Exterior brick chimney</li> <li>• Gabled roof of composite shingle material</li> <li>• Low roof pitch</li> </ul>

<b>(2) Architectural Features</b>	
<p>Architectural features help define a building’s style and historic character. Historic architectural features shall be preserved and maintained, and new architectural features shall not be added. Depending on the structure’s design style, features can include:</p> <ul style="list-style-type: none"> <li style="display: inline-block; width: 45%;">• dormers</li> <li style="display: inline-block; width: 45%;">• exposed rafters</li> <li style="display: inline-block; width: 45%;">• towers</li> <li style="display: inline-block; width: 45%;">• flared eaves</li> <li style="display: inline-block; width: 45%;">• roof-line balustrade</li> <li style="display: inline-block; width: 45%;">• slight eave overhang with classical moldings</li> <li style="display: inline-block; width: 45%;">• trusses in gables</li> <li style="display: inline-block; width: 45%;">• slight eave overhang with brackets</li> <li style="display: inline-block; width: 45%;">• exposed beams in gables</li> <li style="display: inline-block; width: 45%;">• shutters</li> </ul>	
	<p style="background-color: #2c5e8c; color: white; margin: 0; padding: 2px;"><b>400 Denton - Neoclassical</b></p> <ul style="list-style-type: none"> <li>• Roof-line balustrade</li> <li>• Slight eave overhang with classical moldings</li> <li>• Raised first floors are a common feature of historic homes</li> </ul>
	<p style="background-color: #2c5e8c; color: white; margin: 0; padding: 2px;"><b>504 Knox – Queen Anne</b></p> <ul style="list-style-type: none"> <li>• Hexagonal tower</li> <li>• Asymmetrical facades are found on many historic house styles</li> </ul>
	<p style="background-color: #2c5e8c; color: white; margin: 0; padding: 2px;"><b>605 Preston - Federal</b></p> <ul style="list-style-type: none"> <li>• Gabled dormers</li> <li>• Shutters</li> </ul> <p>Note: The small addition on the left of the house does not detract from the symmetry of the main facade.</p>
<p style="background-color: #2c5e8c; color: white; margin: 0; padding: 2px;"><b>208 Gaines - Bungalow</b></p>	

**(2) Architectural Features**



- Exposed beams in gables are features of Craftsman houses
- Exposed rafters are also commonly found



**509 Brown – Mixed Styles**

- Hipped dormer
- Flared eaves

Note: The small addition to the right rear of the house uses a complementary design style to blend into the main structure.

**(3) Exterior Materials**

Exterior materials are important in defining the overall character of a historic house. Original materials shall be retained and where repairs or replacement is warranted, it shall match the original as closely as possible.

Typically, residential structures in Ennis are brick or wood clad. Use of these materials maintains the historic integrity of the area and helps provide compatible infill.



**500 Ennis - Neoclassical**

- Horizontal clapboard on second story
- Patterned wood shingles on first story



**401 Clay - Bungalow**

- Half timbering
- Brick exterior finish

**(4) Porches**

Structures attached to the primary mass of a building, such as porticos, stoops, exterior stairs to parlor level entrances, porches, bays, etc. are an integral part of the richness of historic buildings. They provide depth, shadow, and human activity on the street.

Entrances to historic structures are commonly approached via exterior stairs leading to parlor level entrances. They are frequently covered by bracketed or columned porches. Likewise, side porches contain most of the decorative features found on front porches.

Use of these elements is encouraged, particularly with railings which are appropriate for the design style of the house.



**307 Sherman - Neoclassical**

- Simple-squared railings with geometric detail
- Two-story, classical columns

Note: This house combines a full-height entry porch with a full-facade porch on the first story.



**701 Gaines – Queen Anne**

- One story, spindle columns
- A partial porch covers only a portion of the front facade of a house



**807 Preston – Queen Anne**

- One story, square columns
- Spindle railings

Note: This partial porch also wraps down the side of the house.

**(5) Doors**

Historic districts are always characterized by structures whose front doors are prominent in the front facade of the building. They are highly visible and shall under no circumstances be obscured by enclosed porches or high walls. In particular, garages shall be discreetly tucked behind or to the side of the house.



**601 Dallas - Neoclassical**

- This front entrance feature fanlights above and glazing in the doors
- The vehicle is parked along the side of the house so as to not detract from the
- building's facade



**709 Dallas – Queen Anne**

- The front door features decorative glazing which highlights two similar decorative windows
- The design and materials used for the screen door compliments the front door and windows

**(6) Windows**

Historic windows are important architectural elements of a building façade. Original windows shall be retained to preserve the historic integrity of the building as they reflect original design intent, a period or style, and may reflect evolutions to the building.

Within the Ennis Residential Historic Overlay #1, windows have the following characteristics:

- tend to align vertically on the front façade
- are often grouped in threes
- are taller than they are wide
- are usually double hung
- divided light sashes have true divided lights
- are mostly made of wood

Windows on additions shall be visually compatible with historic windows to which they are visually related.



**403 Preston – Mixed Styles**

- Windows grouped in three
- Double hung with single-pane glazing in lower sashes and multi pane glazing in upper sashes

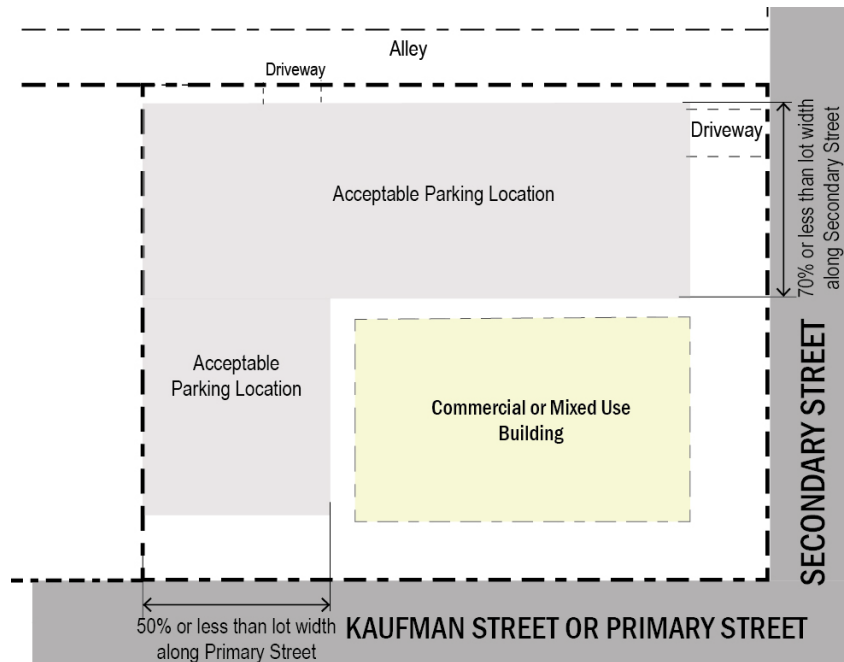
## 6.6 KAUFMAN CORRIDOR DISTRICT STANDARDS

### 6.6.1 Commercial and Mixed Use Building Standards

This section shall apply to all commercial and mixed use development in Kaufman Corridor District.

- (1) Site Design and Building Organization Principles
  - (a) Purpose: Site design standards address a development's relationship to the Kaufman Corridor and creating an appropriate transition to adjoining neighborhoods. The focus of site design is to create better pedestrian frontages along Kaufman Street by minimizing the location of any off street parking along Kaufman Street.
  - (b) Building Organization and Orientation:
    - i. Buildings on lots with any frontage along Kaufman Street shall have their front facades with primary building entrances oriented towards Kaufman Street. Along all other streets, buildings shall be oriented so that the front façade and primary building entrance faces the primary street. On corner lots, the building(s) shall face the higher street designation (in case of Kaufman Street, the higher designation shall be Kaufman Street).
    - ii. In cases where the longer side of a building is perpendicular to the primary street, the portion of the building facing the primary street shall be designed as a building front with entrances, signage, and windows.
    - iii. Any primary or secondary buildings facing a primary street or visible from the primary street must follow the same requirements as primary buildings facing a primary street.
  - (c) Building Entry Design: The primary building entrance shall be readily apparent from the street through the use of canopies, awnings, or recessed entrances.
  - (d) Location of off-street parking:
    - i. No off-street parking shall be located between the principal building and Kaufman Street (see illustration in Figure 6.6-2).
    - ii. Off-street parking shall only be located on the side or rear of the principal structure on the lot and shall be located no forward than the principal building. Parking shall occupy no more than 50 percent along Kaufman Street or any primary street frontage along a lot.
    - iii. On corner lots:
      - (i) Parking shall be located at or behind the façade along all the street frontages.
      - (ii) Parking shall occupy no more than 70 percent of the lot width along the secondary street and 50 percent of the lot width along the primary street.
    - iv. Parking setbacks from alleys shall be a minimum of 5 feet.
    - v. Any surface parking located along Kaufman Street or any primary or secondary street frontage shall be screened by a parking screen per **Article VII: Site Design and Development Standards** and **Article VIII: Landscaping and Open Space Standards**.





**Figure 6.6-2: Image showing permitted location of parking on the lot**

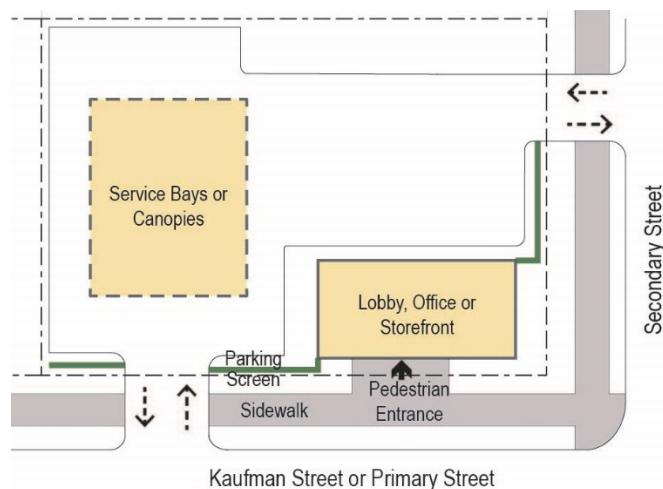
(2) Building Design

- (a) Purpose: Building design directly influences the character and function of non-residential development. Generally, building design should focus on creating an attractive and coherent design with buildings that are adaptable for multiple uses over time based on changing market conditions.
- (b) Building façade design: All building facades along Kaufman Street and primary streets shall be treated with at least one of the following elements:
  - i. Outdoor patios or café-style seating;
  - ii. Canopy or colonnade over the ground floor façade; or
  - iii. Recognizable changes in texture or material.
- (c) Windows and Transparency:
  - i. At ground level, buildings shall have a high level of transparency. All primary ground floor facades that face Kaufman Street, pedestrian walkways, and plazas (except rear service facades or secondary street facades) must have windows for at least 30 percent of the façade between 2 feet and 7 feet above the grade.
  - ii. Where the internal arrangement of a building makes it impossible to provide transparency along a portion of a wall as determined by the Administrator, a combination of building articulation, changing color or texture to imitate the rhythm of windows or storefront displays may substitute for the required transparency along these facades, except when fronting Kaufman Street, a plaza or sidewalk café areas.

(3) Building Materials:

- (a) A wide range of building materials are permitted in Kaufman District unless prohibited by this section.
- (b) Roof Materials: Sloped or pitched roofs shall be constructed of asphalt shingles, synthetic shingles, standing seam metal, or tile. Flat roofs may be constructed of

- any industry-standard material as approved by the Building Official, unless prohibited by this section.
- (c) Prohibited Materials: The following materials are prohibited as exterior cladding or roofing materials:
- i. Unpainted galvanized steel or other bright metal (with the exception of Architectural metal or painted/treated metal);
  - ii. Wood or plastic (vinyl) siding (prohibited on ground floors only, may be permitted on upper levels);
  - iii. Exposed aggregate; and
  - iv. Wood roof shingles, tar paper, and brightly colored asphalt shingle roof materials are prohibited on all roof types.
- (4) Drive Through and Drive up Facilities:
- (a) On corner lots, drive-through lanes, auto-service bays and gas station canopies shall not be located at the street intersection (See figure 6.6-2).
  - (b) Any automobile related retail sales or service use of a site or property with Kaufman Street frontage shall have a primary building entrance along Kaufman Street.
  - (c) There shall only be a single driveway access from Kaufman Street no greater than 24 feet in width. The Administrator may allow the driveway width to be widened to a maximum of 30 feet, if the property has no other service access from any other street or adjoining property.



*Figure 6.6-2: Image illustrating the appropriate design of auto-related site elements (Gas stations, auto-service uses, and bank drive-throughs)*

- (d) All off-street loading, unloading, and trash pick-up areas shall be located internal to the site, behind the principal building, along alleys, or secondary street frontages. If a site has only Kaufman Street frontage with no alley frontage, off-street loading, unloading, and trash pick-up areas may be permitted along the side of a building or along Kaufman Street.
- (e) All off-street loading, unloading, or trash pick-up areas along any street frontage shall be screened per standards in Article VII.

### 6.6.2 Residential Building Design Standards

This section shall apply to all residential development in Kaufman Corridor District.

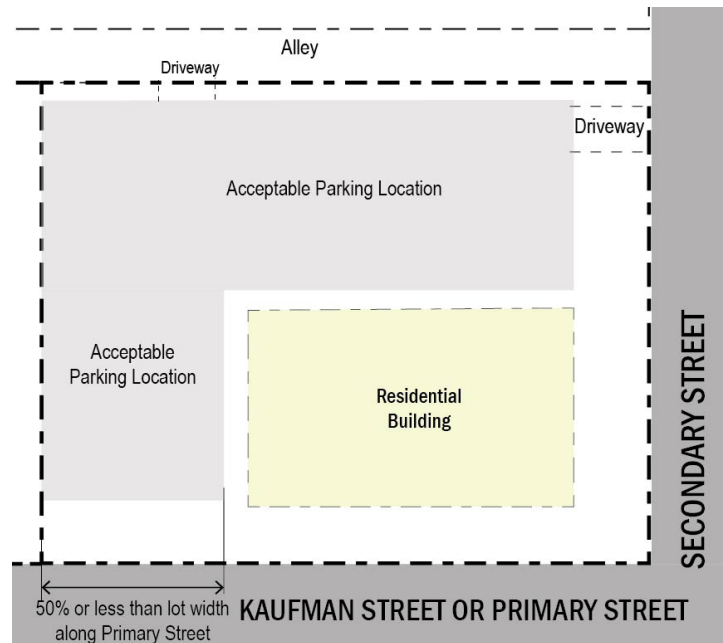
- (1) Building Orientation:

- (a) Primary Building Setbacks and Lot Coverage: Shall meet the standards in Article IV with the exception of the following:
- i. Lot size for individual townhouse lots may be a minimum of 2,400 square feet
  - ii. Lot width minimum shall be 24 feet.
  - iii. Interior setbacks between units which may be zero feet but shall meet fire separation standards.
- (b) Building Entry Features:
- i. For single-family (attached or detached) or townhomes, entry to each unit shall have doors oriented towards and visible from the primary street. Common entrance treatments include recessed entrances or projected entrances such as porches and stoops.
  - ii. For multi-family buildings, the main entry to the building shall be emphasized with a canopy, porch or a stoop. The main entry shall lead to an interior lobby which shall have access to interior units.
  - iii. Units located along a street façade on the ground floor may have individual entries from the street. However, such entries shall be distinguished from the main building entry in terms of lower scale and prominence than the main building entry.



*Images showing appropriate building orientation and entry features*

- (c) Garage or Parking Location
- i. No off-street parking shall be located between the principal building and the primary street.
  - ii. Off-street parking shall only be located on the side or rear of the principal structure on the lot (see illustration in Image 6.6-3). Parking shall occupy no more than 50 percent of any primary street frontage.
  - iii. Parking setbacks from alleys shall be a minimum of 5 feet.
  - iv. Any surface parking located along any primary street frontage shall be screened by a parking screen per Article VII.



**Figure 6.6-3: Image showing acceptable garage or parking location**

- (2) Façade Elements: All facades visible from any streets shall meet the following standards:
  - (a) Buildings shall maintain a façade module between 20 feet and 40 feet with repetition of the major façade elements such as windows, doors, porches or stoops. Building shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure.
  - (b) Primary street facades shall have windows covering at least 20 percent of the façade.
- (3) Building Materials: Shall meet the standards for Commercial and Mixed Use Buildings

## 6.7 HISTORIC OVERLAY NO. 2 DISTRICT STANDARDS (HISTORIC DOWNTOWN DISTRICT STANDARDS)

### 6.7.1 ARTICLE 1: GENERAL PROVISIONS (INTENT, APPLICABILITY, AUTHORITY)

**Section 1: Downtown District Zoning Classification Intent.** These zoning regulations and sub-districts have been designed to accomplish the following:

- a. Preservation: The continuation of, and restoration of, the spatial and architectural fabric of the historic downtown core and the historic suitability of infill development and other new development within it.
- b. Continuity: The appropriate transition from the historic fabric of the downtown core to surrounding residential areas.
- c. Compatibility: A visually recognizable relationship between development east and west of the downtown core that embodies rhythms, patterns, and other aspects of the downtown core in new development.

- d. Economic Diversity: Expansion of retail, entertainment, and live/work options within the downtown zones that attract and serve a diversity of markets.
- e. Destination: Establishing a strong City center that hosts unique businesses, entertainment venues and events of importance to the people of Ennis and visitors.
- f. Sustainability: Encouragement of vertical and horizontal mixed uses to promote a vibrant atmosphere in changing economic conditions.

**Section 2: Applicability.** Any Remodel, Renovation, Infill Development, Redevelopment, or Development within the Downtown area (as described by **Figure 1, Downtown Zoning Sub-District Map**) shall comply with the standards, conditions, and intents stated in this Ordinance. In the event there is any conflict between this Ordinance and any other ordinance, the more restrictive ordinance shall apply. Compliance with this Ordinance, either through administrative approval or Site Plan Approval, is required of:

- a. Ordinary Maintenance: Work on a structure necessary to continue an existing operation, continue habitable occupancy, and/or repair damage resulting from natural events that does not exceed 20percent of the building value or does not necessitate any change to the architecture shall be administratively approved by the City Manager or Designee. If the City Manager denies an application, the applicant may appeal through the process outlined in Section 4(c). Ordinary Maintenance exceeding 20percent of the building value or which necessitates change to the architectural style shall seek Site Plan Approval through the process outlined in Section 4: Authority.
- b. Any Remodel: Any building or exterior improvement that exceeds the threshold for ordinary maintenance. Any construction activity with a value greater than 20percent of the assessed property value or modifies the void to solid ratio of the building façade or modifies any key exterior architectural features including openings, opening surrounds, decorative motifs, or architectural features of the building style (such as pilasters and other projections or offsets) shall seek Site Plan Approval through the process outlined in Section 4: Authority. All other remodel activity not exceeding this threshold may be administratively approved by the City Manager or Designee with an appeal as set forth in Section 4(c).
- c. Any Renovation: Any building alteration for a new use that engages the exterior beyond Ordinary Maintenance shall seek Site Plan Approval through the process outlined in Section 4: Authority.
- d. Any Infill Development: Any ground up construction abutting or adjacent to other developed properties and sharing a common property line within any of the Sub-districts of the Downtown area (as described by **Figure 1, Downtown Zoning Sub-District Map**) shall seek Site Plan Approval through the process outlined in Section 4: Authority.
- e. Any Redevelopment: Any construction upon the partial or full demolition of an existing structure shall seek Site Plan Approval through the process outlined in Section 4: Authority.
- f. Any Development: Any new construction upon a lot, site, tract or parcel within the Downtown area (as described by **Figure 1, Downtown Zoning Sub-District Map**) that

does not meet the conditions of infill development shall seek Site Plan Approval through the process outlined in Section 4: Authority.

**Section 3: Demolition.** Any request for a demolition permit within any Downtown Sub-District regulated by this Ordinance shall be administered as follows:

- a. Demolition exempt from the requirements of this Section: Any demolition associated with ordinary maintenance that does not involve modification of a primary facade or modification of architectural motifs, proportion of windows, or other decorative features is exempt from the requirements of this section but remains subject to all other codes and conditions of the City of Ennis.
- b. Demolition for the purpose of mitigating a safety hazard: When the City Manager or Designee deems that demolition is necessary for any of the following purposes, such permit for demolition shall be handled administratively in accordance with procedures for a demolition permit specified in the Unified Development Ordinance (UDO), as amended.
  - i. Protection of life safety;
  - ii. Prevention of a danger to other structures; and/or
  - iii. Constitutes a public nuisance
- c. Other Demolition: It is an intent of this Ordinance to preserve and enhance the built fabric of downtown Ennis and its adjacent districts as identified in **Figure 1, Downtown Sub-District Zoning Map**. Therefore, any request for demolition of the exterior other than demolition request which meets condition a) or b) above shall be reviewed by the Historic Landmark Commission. After such review, the Historic Landmark Commission shall take one of the following actions:
  - i. Approve the request for demolition permit subject to compliance with all conditions of the City of Ennis and its Unified Development Ordinance (UDO), or
  - ii. Delay issuance of the demolition permit for a period of time not exceeding 120 days.

After review and action of the Historic Landmark Commission, the request for demolition permit shall be administered by the City of Ennis in accordance with processes specified in its Unified Development Ordinance (UDO). However, issuance of such permit shall be delayed up to 120 days if so specified by the Historic Landmark Commission in accordance with this Section.

**Section 4: Authority.** The Planning and Zoning Commission shall have authority to approve or deny any Downtown Area Site Plan as described below and in accordance with the process described herein. The Historic Landmark Commission shall have authority to approve or deny changes to an existing or proposed street façade's architectural character, appearance, or aesthetic based upon the design standards and in accordance with the process described herein. The Historic Landmark Commission shall have authority to approve or deny any request for demolition as described above and in accordance with the process described herein. The City Commission shall have authority to approve or deny any appeal of a Planning and Zoning Commission decision or a Historic Landmark Commission decision. Applications for any

modification to the standards or conditions of this Ordinance shall be submitted to the Planning and Zoning Commission for a recommendation to the City Commission regarding such modification request. The City Commission shall have authority to approve or deny any modification to the standards or conditions of this Ordinance. Such authorities shall be executed in accordance with the procedures and criteria specified below.

- a. **Review and Coordination Authority:** In addition to other applications expressly delegated by City ordinance or Chapter, the City Manager or Designee is responsible for reviewing and coordinating the required Downtown Area Site Plan Approval or request for demolition. Pursuant to the requirements of this Ordinance, any proposed remodel, renovation, infill development, redevelopment, or development of a lot, parcel, or tract (as defined in Section 2: Applicability) within the area of this zoning designation shall require a "Downtown Area Site Plan" to be approved by the Ennis Planning and Zoning Commission. When a request for demolition is considered by the Historic Landmark Commission, only (ii) below is required unless the Historic Landmark Commission determined other information is necessary. The "Downtown Area Site Plan" shall include the following:
  - i. Site Plan showing the following:
    - Site boundaries and dimensions, lot lines, site acreage and square footage, any setbacks or build-to lines/zones required by this zoning;
    - All streets, sidewalks, trails, and/or alleys serving the property;
    - Primary and secondary building façade frontages;
    - Adjacent buildings within the same block face;
    - Any plazas or public facilities abutting the site or block;
    - Any proposed signage; and
    - Location map, north arrow, title block, and site data summary.
  - ii. An informational statement which includes the following:
    - Name and address of the land owner (and applicant if different than the land owner);
    - Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the project;
    - Any proposed phases (by location and square footage); and
    - A list detailing each condition imposed by this zoning classification that related to this project in this location and the extent to which it will be satisfied through approval of this "Downtown Area Site Plan".
  - iii. Architectural information which include the following:
    - Building locations and building footprints;
    - Building(s) elevation and perspectives to show the design of the structure.
    - Through photo imagery, show the building's relationship to other existing structures within the block face or relationship to adjacent blocks if the proposed development fills the entire block;
    - Location and number of any required parking;

- If the development proposal is a phased development (as described in the applicant's information statement above); and
  - Water and sanitary sewer verification
  - Preliminary drainage study showing how runoff will be managed.
- b. **Downtown Area Site Plan Approval Authority:** Upon determination by the City Manager or Designee that an application and the required Downtown Area Site Plan are complete, the application shall be considered by the Ennis Planning and Zoning Commission for approval in accordance with the following:
- i. **Staff Recommendation:** The City Manager or Designee shall consider the application in light of the standards and other requirements and intent of this Ordinance and make a recommendation regarding the extent to which the application comports with such standards, other requirements, and intent. The staff recommendation shall also summarize any instructions to, or meetings with the applicant and instructions given to the applicant during that process, including recommendations from the City Manager or Designee. Finally, the staff recommendation shall state whether the application is complete.
  - ii. **Planning and Zoning Commission Action:** The Planning and Zoning Commission, in accordance with notification procedures required of the Texas Open Meetings Act, shall, after proper notice, consider the application for all sites within this zoning designation for approval.
  - iii. **Approval Criteria:** The Planning and Zoning Commission, in making its approval, shall determine whether the Downtown Area Site Plan request meets the following criteria:
    - The Downtown Area Site Plan is generally consistent with the Development and Design Standards set forth in this Ordinance;
    - The Plan is generally consistent with standards and conditions of other City ordinances as they are relevant to the downtown area; and
    - The Plan does not require a modification from the standards set forth in this Ordinance or other applicable ordinances of the City of Ennis.
  - iv. **Registration of Approval:** If approved, the City Manager or Designee shall enter the approved Downtown Area Site Plan into a Record of Downtown Area Site Plan Approvals and document the approval action by noting on a Master Downtown Map the date and case number of the action.
- c. **Appeal:** The applicant may appeal any decision of the Planning and Zoning Commission or Historic Landmark Commission to the City Commission by making a request for such appeal to the City Manager or Designee. Upon a request for appeal, a hearing date shall be set for a properly noticed public hearing before the City Commission. The City Commission may approve any appeal request upon consideration of the original Downtown Area Plan application and the staff recommendation related thereto.

When the applicant wishes to appeal the administrative decision of the City Manager or Designee, the applicant may appeal Downtown Area Site Plan decisions to the Planning and Zoning Commission and demolition and façade design decisions to the Historic Landmark Commission by making a request for such appeal to the City Manager or



Designee. Upon request for appeal, a hearing date shall be set for a properly noticed public hearing before the appropriate Commission.

- d. **Modification:** Where an application for a remodel, renovation, infill development, redevelopment, or development (as defined by Section 2: Applicability) includes design, site, use, or any other proposed feature that is not in compliance with the standards and/or conditions of this Ordinance, a modification of such standards must be approved by the City Commission through a process that follows the procedures outlined in **Section 4b**, above, with the exception that the Planning and Zoning Commission shall make recommendation to the City Commission. The City Commission may make any modification to the standards and conditions of this Ordinance that are deemed necessary to:
- i. Promote economic development that will benefit and promote the general intent of the Downtown Master Plan and this Ordinance;
  - ii. Provide relief from any economic hardship imposed by the standards and conditions of this Ordinance due to unusual conditions of the development site; and/or
  - iii. Achieve larger outcomes that are beneficial to the downtown area as a whole.

#### 6.7.2 ARTICLE 2: GENERAL DEFINITIONS

**Bay Width Modulation** - shall mean the pattern in repetition of individual building width characteristics of a block or context. Bay Width Modulation is a particularly important aspect of blocks containing commercial bay structures which adjoin at a common lot line wherein the block face created by those structures expresses the individual buildings as a continuous facade composed of these individual units. Therefore, the visage of the block face is an expression of the pattern in repetition of the individual building units or Bay Width Modulation. Bay Width Modulation is a key feature of any street image of a block where the repetition of individual buildings and the space between them (if such space exists) defines the block face.

**Block face** – shall mean the street wall or building façade(s) fronting a street.

**Building Façade Type** – shall mean the exterior wall of a building meant either for public visibility from the street as the essential expression of identifiable style (Primary Building Façade); is viewed from the street but less expressive than the former (Secondary Building Façade); or is only viewed from the rear or interior and therefore not viewed from the street (all other Building Facades).

**Building Type** – shall mean the physical/architectural expression of scale and proportion associated with either a residential or a non-residential purpose. In historic settings, such scale/ proportion is associated with a historic style that is typically understood to be commercial or residential and reflected as a particular type of “bay”. Referencing these residential and non-residential traditions of scale/proportion (i.e. bay) as the basis of the

historic fabric of downtown Ennis and seeking to perpetuate these traditions, the Building Types regulated by this Ordinance are defined in Article 6, Section 1.

**Contributing Structures** - any structure which by reason of its architectural character, historic significance, or enduring purpose is considered to be a contextually defining aspect of the building fabric characteristic of any block. Contribution Structures in the Transition and Approach Sub-Districts are determined by the City Manager or Designee or any structure that is historically designated. In all other Sub-Districts, Contributing Structures are any masonry constructed building intended for occupancy. Buildings built in accordance to this Ordinance are considered Contributing Structures.

**Proportion** - shall mean the comparative relationship between the height to width characteristic, percent of total characteristic, or length to depth characteristic of a building and/or building feature expressed as a ratio, percentage, area, or coefficient. Of particular concern, in this Ordinance, is the extent to which such proportional features of a building are similar to those characteristic of the block or context in which the building sits.

**Zoning Sub-District** – shall mean a specific area within the downtown area boundary as defined by the Downtown Zoning Sub-District Map herein that reflects a common building pattern that will serve a common purpose toward the greater goal of downtown revitalization. The Downtown Zoning Sub-Districts include the Downtown Core, Approach 1, Approach 2, Transition 1, and Transition 2.

### **6.7.3 ARTICLE 3: DOWNTOWN ZONING SUB-DISTRICTS**

#### **Section 1: Explanation of Downtown Zoning Sub-Districts**

- 1.1 Downtown Core (DT Core): This Sub-District shall mean a zone comprised of the National Register Historic District and other properties that are contiguous with and generally considered part of the City's central downtown area as generally defined by the Downtown Master Plan in Section 3.
- 1.2 Approach 1 (A1): This Sub-District shall mean a zone abutting the north and south sides of Ennis Avenue, west of the Downtown Core, currently containing older auto-oriented commercial structures. This zone constitutes a "lead-in" to the Downtown Core, making a transition between the Downtown Core and less historic commercial frontage west of Clay Street.
- 1.3 Approach 2 (A2): This Sub-District shall mean a zone abutting the north and south sides of Ennis Avenue, east of the Downtown Core, currently containing a mixture of newer and older commercial structures and a mixture of building systems (unit masonry, metal, wood frame). This zone constitutes a "lead-in" to the Downtown Core, making a transition between the Downtown Core and less historic commercial frontage east of Shawnee Street.
- 1.4 Transition 1 (T1): This Sub-District shall mean a zone north and south of the Approach 1 Sub-District containing a mixture of commercial and residential properties which will likely be transitioned to other uses as the Approach 1 Sub-District redevelops. This transition will

either be an extension of Approach 1 redevelopment or develop as a transitional use between the commercial dominance of Approach 1 and the residential neighborhoods further north and south.

- 1.5 Transition 2 (T2): This Sub-District shall mean a zone north and south of the Approach 2 sub-district containing generally older commercial properties which will likely be transitioned to other uses as the Downtown Core and the Approach 2 Sub-District redevelops. This transition will either be an extension of Approach 2 redevelopment or develop as a distinct area of land uses dependent upon the locational relationship with the Downtown Core and Approach 2 to define their marketability.

Section 2: Downtown Sub-District Zoning Map

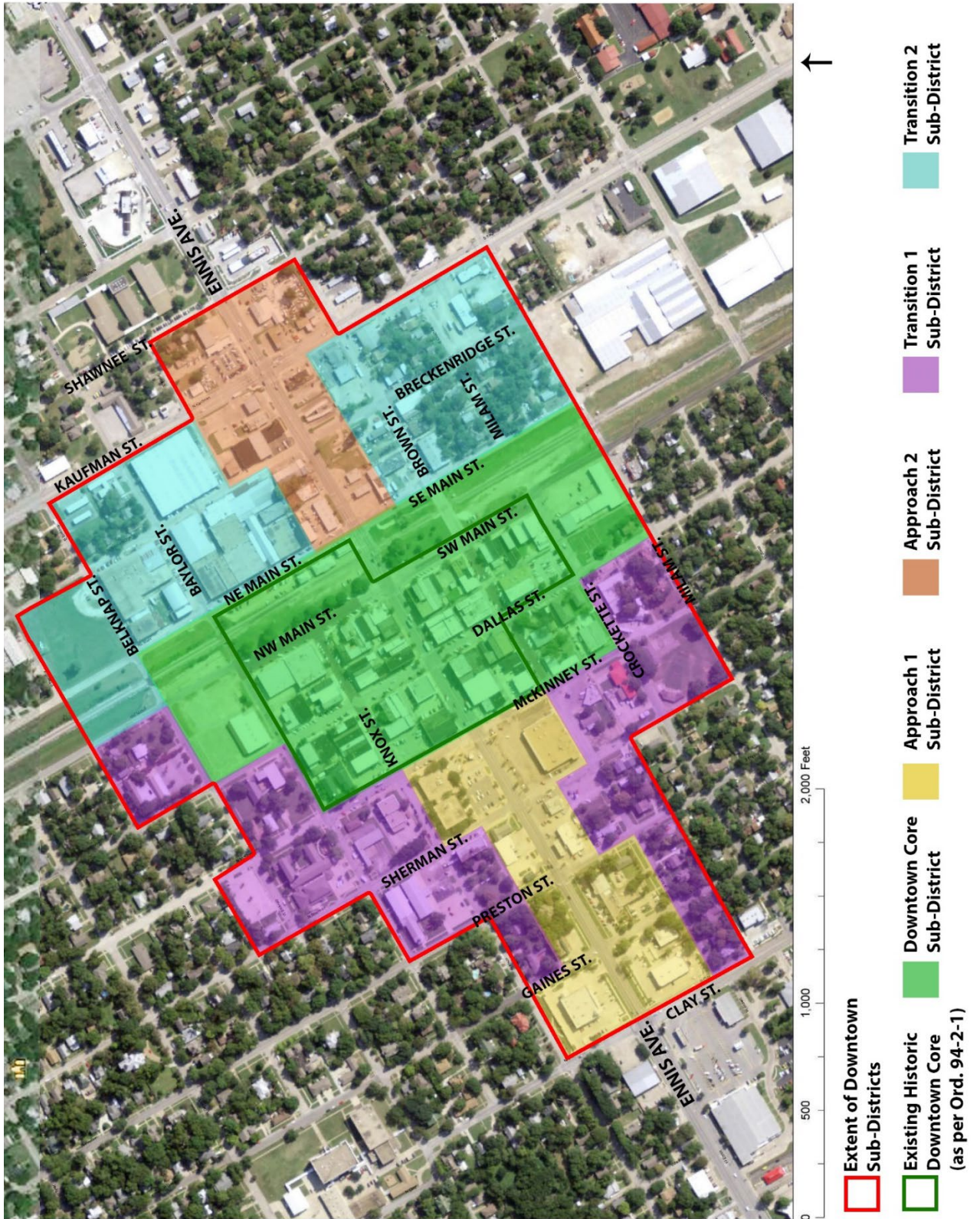


Figure 1, Downtown Sub-District Zoning Map

**Section 3: Downtown Master Plan.** This plan graphic is a meant to function as a guide to the intent of this Ordinance.



**Figure 2, Downtown Master Plan**

## 6.7.4 ARTICLE 4: USES

### Section 1: Permitted Uses

- 1.1 Uses permitted by right in all Zoning Sub-Districts
  - a. Any building on a lot may be used for the uses stated in **Table 1, Permitted Uses** according to the zoning sub-district in which the building is located, the building type, and the standards therein.
  - b. Any building on a lot may be used for more than one of the uses permitted in **Table 1, Permitted Uses** provided that all standards of this Article have been met for all uses and all of the uses are permitted in the building type within the same zoning sub-district and building type.
  - c. Accessory uses that serve and are dependent upon the primary use on the same lot are permitted. Accessory uses may occur in a separate accessory structure in Transition 1, Transition 2, Approach 1 and Approach 2 Sub-Districts, only, and the following shall apply:
    - i. Accessory uses in separate accessory structures must be located in an area designated as appropriate for on-site parking for a primary structure of CB, MB, and MRB building type; or
    - ii. Located no closer than 10' of the established street facing setback for the primary structures of SRB and CWRB building types.
- 1.2 Uses permitted by conditional use as necessary. Conditional uses may be authorized by the City Commission. The City Commission shall consider conditional use criteria recommended by the Historic Landmark Commission.
  - a. Conditional use criteria, as recommended by the Planning and Zoning Commission, for bed and breakfast in Transition 1 and Transition 2 Sub-Districts should address the following items but is not limited to:
    - i. Parking
    - ii. Landscaping
  - b. Conditional use criteria, as recommended by the Planning and Zoning Commission, for schools and day cares in any Sub-District should address the following items but is not limited to:
    - i. Parking
    - ii. Drop-off/ pick-up locations
    - iii. Queuing
    - iv. Play areas
    - v. Time frame requirements
  - c. Conditional use criteria, as recommended by the Planning and Zoning Commission, for stores, cafes, restaurants, personal service, and museums/ galleries in Transition 1 and Transition 2 Sub-Districts should address the following items but is not limited to:
    - i. Parking, loading and services
    - ii. Time frame requirements
  - d. Nonconforming uses may be considered for conditional use designation based on criteria consistent with the intent of the Downtown Master Plan.

### Section 2: Nonconforming Uses

2.1 Continuation of lawful use: The lawful principal use(s) of a building or those authorized by permit issued prior to the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Article.

2.2 A nonconforming use may continue operation as a nonconforming use until: the use is abandoned for at least 18 months, there is a change of use, or the nonconforming use is determined to be operating in violation of related ordinances of the City of Ennis.

Upon a finding by the Zoning Board of Adjustment that a nonconforming use is terminated as set forth above, the property shall be brought into compliance with the standards and conditions of this Ordinance.

2.3 Religious institutions and religion-related uses that currently exist are exempt from this Ordinance and do not become a non-conforming use by this Ordinance.

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		DOWNTOWN PD SUB-DISTRICTS				
		Downtown Core	Approach 1	Approach 2	Transition 1	Transition 2
<b>RESIDENTIAL</b>	Free Simple Dwelling					
	Condo/ Apartment/ Lot/ Studio Dwelling	CB-1a & 2; MRB-3-C; MB-2	CB-2; MRB-3; MB-2	CB-2; MRB-3; MB-2; CWRB-3	SRB-3; CWRB-3	SRB-3; CWRB-3
<b>HOSPITALITY</b>	Hotel	CB-3; MB-3	CB-3; MB-3	CB-3; MB-3	CB-3; MB-3	CB-3; MB-3
	Bed and Breakfast				SRB-3-C	SRB-3-C
<b>RETAIL</b>	Store	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3-C	CB-3; MB-1b; SRB-3-C
	Café (small operation less than 5,000 sq.ft.)	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3-C	CB-3; MB-1b; SRB-3-C
	Restaurant (large operation greater than 5,000 sq.ft.)	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3-C	CB-3; MB-1b; SRB-3-C
	Pub*	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b		
	Personal Service	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3-C	CB-3; MB-1b; SRB-3-C; CWRB-1b
<b>LIGHT INDUSTRY</b>	Brew Pub (small batch beer, cider, wine, spirits with tasting room)	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
	Food Catering/ Bulk Baking/ Bulk Food Preparation (less than 5,000 sq. ft.)	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
	Artisan/Crafts Studio	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3	CB-3; MB-1b; SRB-3; CWRB-1b
	General Entertainment Venue	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3
	Seated Assembly	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
<b>OFFICE and PROFESSIONAL SERVICE</b>	Office	CB-3; MB-2	CB-3; MB-3	CB-3; MB-3	CB-3; MB-3; SRB-3; CWRB-1b	CB-3; MB-1b; SRB-3; CWRB-1b
	Medical Office		CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
	Financial Institution		CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
	Funeral Home		CB-3; MB-1b	CB-3; MB-1b	CB-3	CB-3
<b>CIVIC</b>	Municipal Use	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3	CB-3; MB-1b; SRB-3
	Library	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3	CB-3; MB-1b; SRB-3
	Police/ Fire Station	CB-3	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
	Post Office	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b
<b>INSTITUTIONAL</b>	Museum or Gallery	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b	CB-3; MB-1b; SRB-3-C	CB-3; MB-1b; SRB-3-C; CWRB-1b-C
	School	CB-3-C; MB-1b-C	CB-3-C; MB-1b-C	CB-3-C; MB-1b-C	CB-3-C; MB-1b-C	CB-3-C; MB-1b-C
	Child Care	CB-3-C; MB-1b-C	CB-3-C; MB-1b-C	CB-3-C; MB-1b-C; SRB-3-C	CB-3-C; MB-1b-C; SRB-3-C	CB-3-C; MB-1b-C; SRB-3-C

\* Pub shall be defined as a business establishment or private club for the purpose of on-site sale and consumption of alcoholic beverages consistent with applicable laws.

**BUILDING TYPES**  
 CB - Commercial Bay  
 MRB - Multiple Residential Bay  
 MB - Mixed Bay  
 SRB - Single Residential Bay  
 CWRB - Common Wall Residential Bay

**PERMITTED FLOORS**  
 1a - First Floor (back-half only)  
 1b - Entire First Floor permitted only  
 2 - Two or more floors above first floor  
 3 - permitted on all floors

**ALLOWANCES**  
 C - Conditional

Table 1, Permitted Uses



### Section 3: Parking Requirements

- 3.1 Parking requirements for any use within the Downtown Core Sub-District: There shall be no required on-site parking or other parking requirements as a condition of use.
- 3.2 Parking requirements for any use, as specified by the UDO, other than residential uses, within the Approach 1, Approach 2, Transition 1, and Transition 2 Sub-Districts: Any permitted use shall receive a 15percent reduction of required parking. Any permitted use shall receive up to 25percent reduction if 50percent or more required parking is tied to a shared parking agreement with an adjacent lot not more than 300 feet walking distance away from the lot seeking the agreement. On-street parking, to the extent of the lot dimensions fronting a street, shall count toward the parking requirement.
- 3.3 Residential Uses shall be parked as specified by the UDO.
- 3.4 The Planning and Zoning Commission may recommend to City Commission a modification to parking requirements established herein when a parking analysis prepared by a professional engineer is presented by the applicant establishing the parking proposed by the applicant is adequate to service the use.

## 6.7.5 ARTICLE 5: SITE DEVELOPMENT

**Section 1: Intent:** It is the intent of this Article to facilitate block continuity and preservation of the historic street grid of downtown Ennis by orienting new development based on historic development patterns.

### Section 2: Block Continuity

#### 2.1 Block Size

- a. New development may occur on any lot size within a block as long as there is at least one street facing Building Façade of at least 30' as measured from the property line or the façade fills the entire lot width of a lot platted prior to this issuance of this Ordinance when the lot width is less than 30'.
- b. There shall be no public street abandonments within any downtown zoning sub-district unless there is first an administrative determination from the City Manager or Designee that the street closure is for the public health, safety and welfare, in which case City street abandonment procedures are applicable.
  - i. Exceptions: Public streets may be reconfigured in areas within the Downtown Core Sub-District but outside of the National Register Historic District to achieve the intent of the Downtown Master Plan (**Article 3, Section 3**).

#### 2.2 Building Façades Types

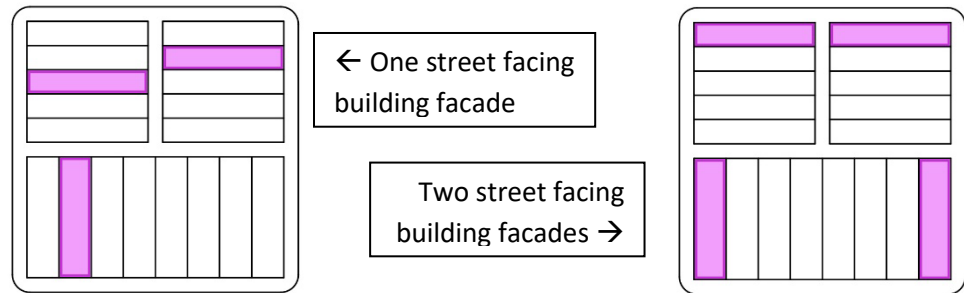
- a. **Primary Façade:** This building façade type shall mean the side of a building meant for public visibility from the street as the essential expression of identifiable style; often providing a main entryway; and shall comply with standards set forth for Primary

Building Facades in **Article 6**. The “Primary Façade” of a building is determined by criteria set forth in Section 2.3 Building Plane Continuity.

- b. Secondary Façade: This building façade type shall mean any side of a building viewed from a street that is not a Primary Façade and shall comply with standards set forth for Secondary Building Facades in **Article 6**. The “Secondary Façade” of a building is determined by criteria set forth in **Section 2.3 Building Plane Continuity**.
- c. Non-Street Facing Building Façade(s): This building façade type shall mean any side of a building along an internal lot line or rear lot line (the side along an alleyway) not visible to the street.

2.3 Block Continuity: A building’s Primary Building Façade(s) and Secondary Building Façade(s) are determined by existing structures along a shared street within a shared block. Building Façade determination occurs in the following conditions:

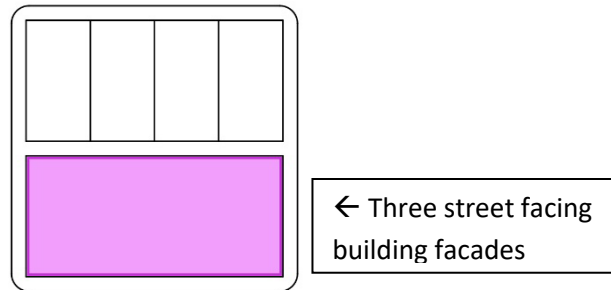
- a. Structure with one to two street facing building facades:
  - i. If all structures along the same street(s) within the same block are Primary Building Façades, the new structure’s Primary Building Façade shall front the shared street.
  - ii. If there is a mix of Primary Building Facades and Secondary Building Facades along the same street(s) within the same block, the new structure shall assume a Primary Façade condition.



**Figure 3, One and Two Street Facing Facades**

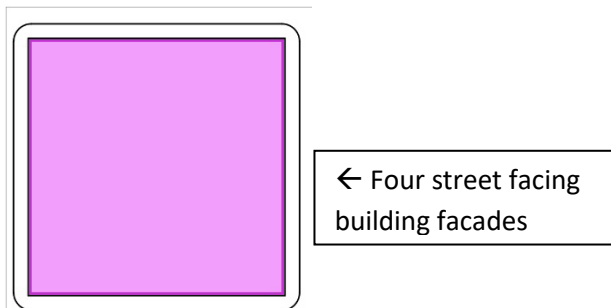
- b. Structure with three street facing building facades:
  - i. If all structures along the same street(s) within the same block are Primary Building Façades, the new structure’s Primary Building Façade shall front the shared street.
  - ii. If there is a mix of Primary Building Facades and Secondary Building Facades along the same street(s) within the same block, the new structure shall assume a Primary Façade condition.

- iii. Where the new structure spans an entire block, the street facing building façade type is determined by the condition presented on the adjacent blocks on the shared street. Where there is a mix of Primary Building Facades and Secondary Building Facades along the same street in the adjacent blocks, the new structure shall assume a Primary Façade condition.



**Figure 4, Three Street Facing Facades**

- c. Structure with four street facing building facades (Full Block Development):
  - i. If all structures along the same streets on the adjacent blocks are Primary Building Façades, the new structure’s Primary Building Façade shall front the shared street.
  - ii. If there is a mix of Primary Building Facades and Secondary Building Facades along the same streets on the adjacent blocks, the new structure shall assume a



Primary Façade condition.

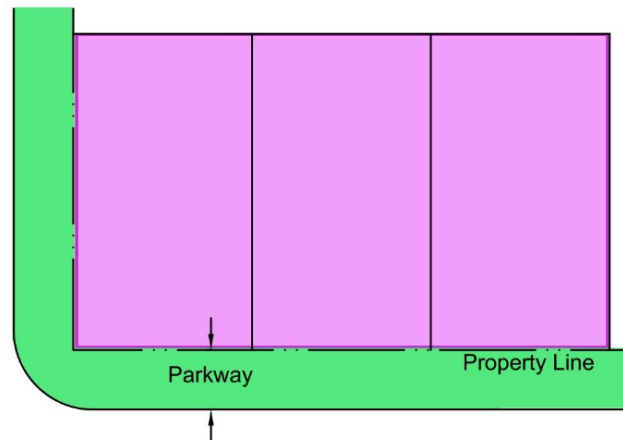
**Figure 5, Four Street Facing Facades**

- d. Exceptions:
  - i. New development along Ennis Avenue, Dallas Street, and NE/SE and NW/SW Main Street in any zoning sub-district shall always treat the street facing façade along these streets as a Primary Building Façade.
- e. Where a street facing building façade is not determined to be a Primary Building Façade, it shall be a Secondary Building Façade. All other building facades are considered non-street facing building facades.

### Section 3: Lot Occupancy

3.1 Dimensional standards for lot occupancy shall be determined by zoning sub-district as follows:

- a. Downtown Core Sub-District:
  - i. All new buildings shall build to the existing block face on all Primary Building Façade and Secondary Building Façade Sides or build to a block face established by the approved site plan which accomplishes the intent of this requirement.



**Figure 6, Downtown Core Sub-District Built-to Condition**

- ii. No internal side yards shall be permitted
- iii. 0' rear yard setback. Courtyards within the property line that engage the alleyways are encouraged. Reference **Section 5** for Downtown Core Sub-District Alleyway regulations.
- b. Approach 1 Sub-District & Approach 2 Sub-District:
  - i. All new structures shall build all street facing facades (Primary and Secondary Building Facades) within a Build-to Zone which shall be within 5' of a 10' Street Enhancement Zone as measured from the property line. The following shall occur within the 10' Street Enhancement Zone:
    - A. Along the Primary Façade side of the street: This area is meant to accommodate high volumes of pedestrian traffic. This Street Enhancement Zone shall:
      1. be all hardscape for use of walkway, outdoor café and seating, commercial display of goods as approved by City Manager or Designee, and temporary signage;
      2. provide seasonal planting in planters, only;
      3. provide at least one form of outdoor seating per establishment (outdoor café, bench and the like); and
      4. provide one canopy tree in a tree well per 40' of frontage or portion thereof, unless there is a public landscape initiative involving similar tree plantings within the parkway.

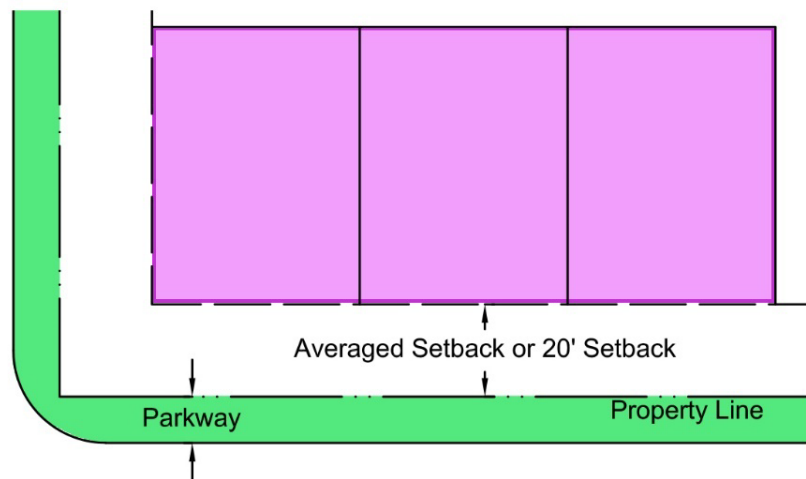
- B. Along the Secondary Façade side of the street: This area is meant to be more passive and shall:
1. provide a minimum 5' wide paved sidewalk;
  2. planting beds; and
  3. at least one canopy tree per 40' of frontage or portion thereof, unless there is a public landscape initiative involving similar tree plantings within the parkway.
- C. Exception: The Secondary Façade(s) of a new structure shall be built within a Build-to Zone which shall be within 5' of a 10' Street Enhancement Zone for no less than 50percent of the street facing building façade to accommodate on-site surface parking areas. Reference **Section 4** for more on-site parking regulations.
- D. Balconies on the floors above the first floor may not encroach into the 10' Street Enhancement Zone.
- E. If meeting the above Street Enhancement Zone requirements can be accomplished in a public streetscape initiative, then at the City's sole option, the applicant may contribute the cost of meeting those obligations, as determined by the City, as a cash in lieu contribution to the public initiative.



**Figure 7, Approach Sub-Districts Zone Conditions**

- ii. Max. 5' internal side yard setbacks
  - iii. 0' rear yard setback
- c. Transition 1 Sub-District and Transition 2 Sub-District:
- i. All new structures shall build all street facing façades (Primary and Secondary Building Facades) to a setback no more than the averaged setbacks of existing street facing façades as measured from the property line not exceeding 25'. Where there are no existing buildings on the shared street, assume a 20' setback.

- A. The following may occur within this averaged or 20' setback along the Primary Façade and Secondary Façade sides of a street:
  - 1. Privacy fences up to 4' in height;
  - 2. Planting beds and lawn; and
  - 3. Porches, patios and stoops up to 10' into the setback from the main structure.
- B. Within this averaged or 20' setback along the Primary Façade and Secondary Façade sides of a street there shall be at least one canopy tree per 40' of frontage or portion thereof, unless there is a public landscape initiative involving similar tree plantings within the parkway. Trees may be clustered or evenly spaced.
- C. Exception: The Secondary Façade(s) of the new structure shall be built to a setback no more than the averaged setbacks of existing street facing façades or assume a 20' setback where no buildings exists for no less than 50percent of the street facing building façade to accommodate on-site surface parking areas. Reference **Section 4** for more on-site parking regulations.
- D. If meeting the above streetscape requirements can be accomplished in a public streetscape initiative, then at the City's sole option, the applicant may contribute the cost of meeting those obligations, as determined by the City, as a cash in lieu contribution to the public initiative.



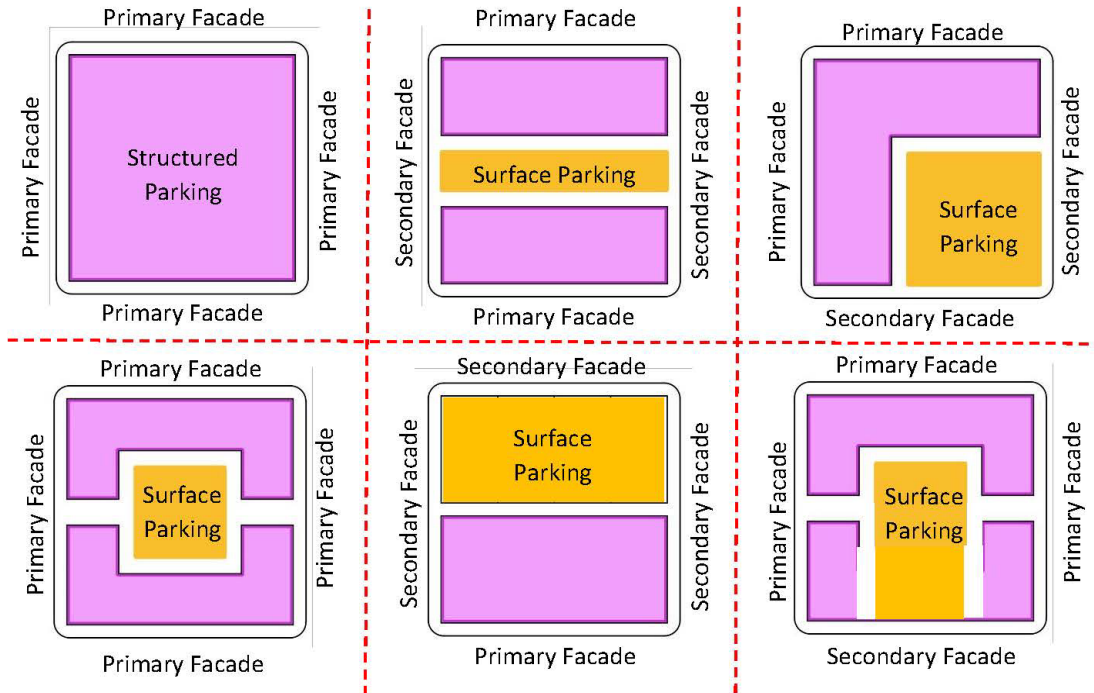
**Figure 8, Transition Zones Setback Condition**

- ii. Max. 10' internal side yard setback
- iii. Min. 10' rear yard setback

**Section 4: On-Site Parking, Loading and Drive-Through Facilities**

## 4.1 General to all zoning sub-districts:

- a. On-site parking and loading for a particular site may be accessed from any street regardless of building façade type if access from existing alleyways or along Secondary Facades is not possible.
- b. Parking lots shall not front a street with a Primary Building Façade(s).
- c. Parking lots fronting a street with a Secondary Building Façade(s) shall:
  - i. Continue the setback or Street Enhancement Zone condition as defined in Section 3; and
  - ii. Provide a 3' tall by 3' wide planting screen or a 2.5' - 3.5' tall x 1.5' wide wall of the same Secondary Façade material aligned with the block face of buildings along the shared street; or
  - iii. Continue the architectural façade features consistent with buildings on the same block.
- d. Structures with drive-through facilities must locate drive-through facilities within the on-site parking area. The existing drive through facilities in the Downtown Core Sub-District are deemed to have received a Special Use Permit (SUP). For new drive through facilities in the Downtown Core Sub-District the Historic Landmark Commission shall have authority to approve or deny changes to an existing or proposed street façade drive through facility's architectural character, appearance, or aesthetic based upon the design standards and in accordance with the process described herein. The Planning and Zoning Commission shall have the authority to approve or deny new drive through facilities in the Downtown Core Sub-District in accordance with the SUP process described in Unified Development Ordinance (UDO) 3.3.3. All SUPs for drive through facilities shall terminate upon a change in the nature or character of the use.



**Figure 9, Example Parking Lot Locations (all viewed independent of one another)**

## Section 5: Downtown Core Sub-District Alleys

5.1 The following shall apply to any building with a rear facade along an alleyway in the Downtown Core Sub-District when the conditions stated therein are applicable:

- a. Where a building is built to the alleyway right-of-way, a permit to encroach into the alleyway right-of-way to a distance no greater than the edge of the travel way pavement shall be obtained. A license must be obtained from the City Commission upon review of the request and a finding that the purpose and intent of the request are consistent with the purpose and intent of this Ordinance.
- b. Where a building is not built to the alleyway right-of-way, a courtyard may be created and used for a use incidental to the primary use of the building (i.e. an outdoor café or seating). A permit must be obtained from the City Manager or Designee upon review of the request and approval by the City Manager or Designee that the purpose and intent of the request are consistent with the purpose and intent of this Ordinance.
- c. Parking – where a building is not built to the alleyway right-of-way: existing parking in the Downtown Core Sub-District is deemed to have received a Special Use Permit (SUP). For new parking in the Downtown Core Sub-District the Historic Landmark Commission shall have authority to approve or deny changes to an existing or proposed street façade parking facility’s architectural character, appearance, or aesthetic based upon the design standards and in accordance with the process described herein. The Planning and Zoning Commission shall have the authority to approve or deny new parking in the



Downtown Core Sub-District in accordance with the SUP process described in Unified Development Ordinance (UDO) 3.3.3. SUPs for parking are terminable by the Planning and Zoning Commission when there is a change of primary use for which it was incidental and termination would be consistent with the purpose and intent of this Ordinance.

## **6.7.6 ARTICLE 6: BUILDING DESIGN STANDARDS**

### **Section 1: Building Types**

- 1.1 Commercial Bay (CB): This building type shall mean a structure spatially and structurally designed for non-residential use, historically or currently. Characteristics of “Commercial Bay” building types include, but are not limited to, width of the building typically the same as the width of the lot; higher floor-to-floor height; simple rectangular plate; glazing modulation has more glazing on the first floor and less on the upper floor; and is typically dominated by flat roof. Structural systems vary from wood frame to steel to unit masonry to formed concrete.
- 1.2 Multiple Residential Bay (MRB): This building type shall mean a structure spatially and structurally designed for multiple residential units within the same structural envelop, historically or currently. Characteristics of “Multiple Residential Bay” building types include wood frame dominant; a dominant rectangular plate with rounded/chamfered/square projections corresponding to interior residential functions; residentially scaled floor-to-floor height; smaller windows; building width is typically the same width of the lot; and roof forms are varied.
- 1.3 Mixed Bay (MB): This building type shall mean a structure spatially and structurally designed to accommodate commercial use on the first floor and residential use above the first floor. Characteristics of “Mixed Bay” building types include higher floor-to-floor on the first floor than upper floors; wider spans on the first floor than upper floors; and greater amount of glazing to solid wall on the first floor than other floors. Typically, there is a square plate, but it may include an arcade.
- 1.4 Single Residential Bay (SRB): This building type shall mean a structure spatially and structurally designed as a single residential unit. Characteristics of “Single Residential Bay” building type includes wood frame construction; pitched roof; complex plate; complex roof form (intersecting cross gables or hipped roofs); and often with a subordinate roof defining entry, such as a porch.
- 1.5 Common Wall Residential Bay (CWRB): This building type shall mean a structure spatially and structurally designed as single residential units adjoined at a common sidewall. Characteristics of a “Common Wall Residential Bay” include simple plate with a more complex street front; a common wall between adjoined units that conforms to fire code

separation requirements which may be architecturally expressed above the roof plane; and a simple roof form.

	DOWNTOWN PD SUB-DISTRICTS				
	Downtown Core	Approach 1	Approach 2	Transition 1	Transition 2
<b>BUILDING TYPES</b>					
Commercial Bay (CB)	X	X	X	X	X
Multiple Residential Bay (MRB)	X*	X	X	X	X
Mixed Bay (MB)	X	X	X	X	X
Single Residential Bay (SRB)				X	X
Common Wall Residential Bay (CWRB)				X	X

\*MRB Building Type permitted in Downtown Core but not within the National Register Historic Boundary

**Table 2, Permitted Building Types per Zoning Sub-District**

**Section 2: Existing Buildings**

2.1 Existing building types and style types that do not currently conform to Building Types outlined in Section 1 or Style Types outlined in Sections 3 and 4 have the right to continue to exist as nonconforming structures and are subject to Article X - Nonconformities of the Unified Development Ordinance.

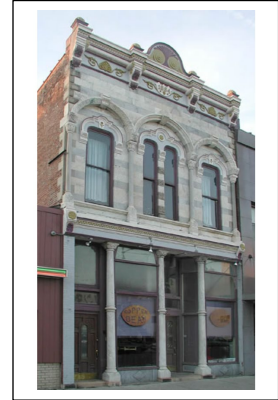
**Section 3: Building Style Characteristics for CB, MRB and MB Building Types**

3.1 Style Guidelines for historic renovations/ expansions, infill development, and/or redevelopment of CB, MRB and MB Building Types apply to each applicable Sub-District as follows:

- a. Downtown Core Sub-District: CB, MRB and MB Building Types within the Downtown Core Sub-District *shall* comply with the following set of style standards.
- b. Approach 1 and 2 Sub-Districts and Transition 1 and 2 Sub-Districts: CB, MRB and MB Building Types within the Approach and Transition Sub-Districts are encouraged to comply with the following set of style standards or apply a contemporized version of style as determined to be appropriate by the City Manager or Designee.

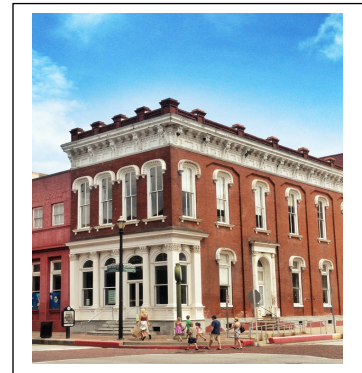
3.2 High Victorian Italianate: Common characteristics of High Victorian Italianate include:

- a. vertical emphasis on building proportion;
- b. elongated, paired windows decorated with decorative window caps of wood, cast iron, pressed metal, or brick;
- c. window openings are either shallow, flattened arches, or straight sided arches;
- d. deeply projected cornice supported by exaggerated brackets;
- e. often a central pediment at roof line bearing name and date of building; and
- f. typical exterior materials include brick, cast iron, pressed metal, and wood.



3.3 Colonial Revival and Commercial Romanesque: Common characteristics of Colonial Revival and Commercial Romanesque include:

- a. rectangular floor plan;
- b. symmetrical façade;
- c. flat roof with heavily ornamented parapet or roof balustrade;
- d. decorative execution of tripartite architecture where the vertical rise of the structure is articulated as a classical column with base (street level), shaft (mid and top floors), and capital (ornamented treatment of the wall above the top floor windows and including cornice and parapet);
- e. doors topped by fan lights or decorative transoms, windows by lentils with stylized key stones or pediments with scrolled sides or broken tops;
- f. portrait oriented, rectangular double hung windows. Windows may be articulated in a Palladian motif or grouped as a Palladian window.;
- g. central façade features may bear more ornamentation;
- h. the corners of the building are often treated as pilaster columns and culminate in a capital which integrates with decorative parapet; and
- i. typical exterior materials include red brick, stone or cast stone trim, wood or cast-iron molding/ structural accents.



### 3.4 Beaux Arts Classicism: Common characteristics of Beaux Arts Classicism include:

- a. symmetrically composed façade, often into advancing and receding planes which define areas of decorative treatment;
- b. abundant decoration in the form of urns, swags, medallions, balustrades, statuary, and classical derived features (such as columns);
- c. prominent paired columns or pilasters running full height of the building;
- d. grand entry;
- e. large arched openings; and
- f. typical exterior materials include smooth faced stone or cast stone.



### 3.5 Art Deco: Common characteristics of Art Deco include:

- a. sculptural use of geometric forms;
- b. use of geometrically derived ornamentation used with monumental intention;
- c. smooth skin, planar walls;
- d. flattened, low relief interpretation of classical motifs;
- e. use of visual devices such as fore shortening in execution of decorative panels and other artful features; and
- f. typical exterior materials include smooth faced stone, cast stone and metal.



### 3.6 Art Modern: Common characteristics of Art Modern include:

- a. streamline, low horizontal appearance;
- b. often one story;
- c. sleek smooth surfaces without ornament;
- d. curving canopies and windows;
- e. spandrel panels running in unbroken bands of glass and color; and
- f. typical exterior materials include stainless steel, glass block, porcelain enameled steel, opaque structural glass, and aluminum.



### 3.7 Chicago School: Common characteristics of Chicago School include:

- a. flat roof with articulated parapets;
- b. cast or wrought iron steel frame;
- c. little ornamentation except for the use of Sullivanesque terra cotta panels arrayed in rows or columns of decorative relief;
- d. large masonry openings containing subdivided glazing in a prairie-esque pattern; and
- e. typical exterior materials include: brick, stone, terra cotta, glass, and steel.



3.8 Commercial Baroque: Common characteristics of Commercial Baroque include:

- a. pitched roofs defining architectural masses and features;
- b. flat roofs concealed by decorative parapets with tracery and/or Della Robbia ornament;
- c. ornate windows headers, surrounds, and sills;
- d. use of style specific features such as Rose Window;
- e. grand ornamentation of entry, often architectural expression of entry;
- f. use of arches and colonnades;
- g. use of heavy wrought iron as window grills and hardware;
- h. decorative treatment of projected rafters;
- i. integration of tile panels or motifs; and
- j. typical materials include brick, cut stone, cast stone, tile, and wrought iron.



**Section 4: Building Style Characteristics for SRB and CWRB Building Types**

4.1 Style Guidelines for historic renovations/ expansions, infill development, and/or redevelopment of **Single Residential Bay (SRB) and Common Wall Residential Bay (CWRB) Building Types** within **Transition 1 and Transition 2 Sub-Districts** are encouraged to comply with the following set of style standards (unless an existing structure is not consistent with such themes, in which case proper attributes of style shall be determined using the historical characteristics of style specified in *A Field Guide to American Houses* by Virginia and Lee McAlester) OR apply a contemporized version of style as determined to be appropriate by the City Manager or Designee.

4.2 Greek Revival: Common characteristics include:

- a. gable or hipped roof of low pitch;
- b. cornice line of main roof and porch roofs emphasized with wide band of trim;
- c. porches supported by prominent square or round columns, typically of Doric style;
- d. front door surrounded by narrow sidelights and a rectangular line of transom lights above; and
- e. door and lights usually incorporated into a more elaborate door surround.



4.3 Gothic Revival: Common characteristics include:

- a. steeply pitched roof with steep cross gables (roof normally side gabled, less commonly front gabled or hipped, rarely flat with castellated parapet);
- b. gables commonly have decorative verge boards;
- c. wall surface extending into gable without break (eave or trim normally lacking beneath gable);
- d. windows commonly extend into gables, frequently having pointed arch (Gothic) shape; and



- e. one-story porch (either entry or full width) usually present, commonly supported by flattened Gothic arches.

4.4 Italianate: Common characteristics include:

- a. two or three stories, rarely one story;
- b. low pitch roof with widely overhanging eaves having decorative brackets beneath;
- c. tall, narrow windows, commonly arched or curved above;
- d. windows frequently with elaborated crowns, usually of inverted "U" shape; and
- e. many examples with square cupola or tower.



4.4 Stick: Common characteristics include (but few examples show all characteristics simultaneously):

- a. gabled roof, usually steeply pitched with cross gables; gables commonly show decorative trusses at apex;
- b. overhanging eaves, usually with exposed rafter ends (normally replaced by brackets in town houses);
- c. wooden wall cladding (shingles or boards) interrupted by patterns of horizontal, vertical, or diagonal boards (stick work) raised from wall surface for emphasis; and
- d. porches commonly show diagonal or curved braces.



4.5 Queen Anne: Common characteristics include:

- a. steeply pitched roof of irregular profile, usually with dominant front facing gable;
- b. patterned shingles, cutaway bay windows, and other devices used to avoid a smooth-walled appearance; and
- c. asymmetrical façade with partial or full width porch which is usually one story high and extends along one or both side walls.



4.6 Shingle: Common characteristics include:

- a. wall cladding and roofing of continuous wood shingles (shingled walls may occur on second story only);
- b. high profile wood shingle roof (often appropriately replaced by high profile composition shingle);
- c. shingled walls without interruption at corners (no corner boards);
- d. asymmetrical façade with irregular, steeply pitched roof line; roofs usually have intersecting cross gables and multi-level eaves; and
- e. commonly with extensive porches.



## 4.7 Folk Victorian: Common characteristics include:

- a. derived from elaboration of the Railroad-inspired “national folk housing” which includes simple gable fronting street, gable front and side wing under continuous roof line, side gable fronting side yards with hall or parlor entry, in 1 or 2 story version, pyramidal form;
- b. porches with spindle work detailing (turned spindles and lace-like spandrels) or flat jig saw cut trim appended to form;
- c. symmetrical façade (except for gable front and side wing version); and
- d. cornice line brackets are common.



## 4.8 Colonial Revival: Common characteristics include:

- a. accentuated front door, normally with decorative crown (pediment) supported by pilasters, or extended forward and supported by slender columns to form an entry porch;
- b. doors commonly have overhead fan lights of side lights;
- c. façade normally shows symmetrically balanced windows and center door;
- d. windows with double hung sashes, usually multi-pane glazing in one or both sashes; and
- e. windows frequently “paired” in a single wall opening.



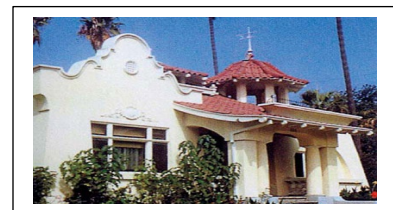
## 4.9 Neoclassical: Common characteristics include:

- a. façade dominated by full-height porch with roof supported by classical columns;
- b. columns typically have Ionic or Corinthian capitals; and
- c. façade shows symmetrical balanced windows and center door.



## 4.10 Mission: Common characteristics include:

- a. mission-shaped dormer or roof parapets (these may be on either the main roof or porch roof);
- b. commonly with Spanish barrel-shaped, red clay tile;
- c. widely overhanging eaves, usually open;
- d. porch roofs supported by large, square piers, commonly arched above; and
- e. wall surface usually smooth stucco.



## 4.11 Prairie: Common characteristics include:

- a. large low-pitched roof, usually hipped with widely overhanging eaves;
- b. typically, two-story with one-story wings or side porches;
- c. eaves, cornices, and façade detailing emphasizing horizontal lines;
- d. often with massive square porch supports; and
- e. large front porches are not uncommon.



- 4.12 Craftsman: Common characteristics include:
- a. low-pitch, gabled roof (occasionally hipped) with wide, unenclosed eave overhang and typically exposed roof rafters;
  - b. decorative beams (often ornamental) or braces often added under gables;
  - c. porches either full or partial width, with roof supported by tapered square columns; and
  - d. columns, or pedestals, frequently extend to ground level (without a break at level of porch floor).



- 4.13 Spanish Eclectic: Common characteristics include:
- a. low pitch roof, usually with little or no eave overhang;
  - b. Spanish, barrel shaped, red clay roof tile;
  - c. typically, with one or more prominent arched above door and/or principal window, or beneath porch roof;
  - d. façade normally asymmetrical; and
  - e. wall surface usually stucco.



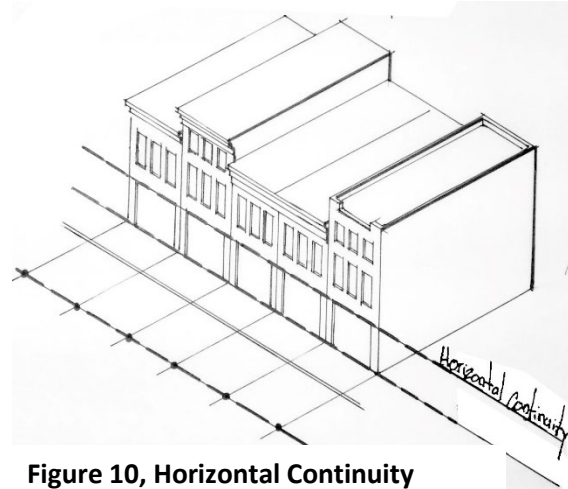
## Section 5: Block Face Characteristics for Block Face Continuity

5.1 **General to all Zoning Sub-Districts: CB, MRB and MB Building Types** shall comply with the following attributes of **Block Face Continuity**:

- a. **Horizontal Continuity:** Proposed renovation, infill development, redevelopment, or development of lot, parcel, or tract shall continue the horizontal expression and elevation of certain architectural features as they are established by Contributing Structures and expressed within the existing block face where applicable. The following key architectural expression include but are not limited to:



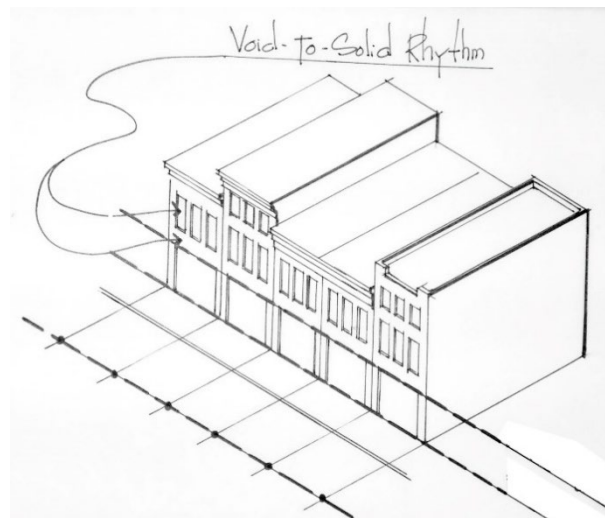
- i. Finished Floor Height: To the extent possible, as permitted by grade, there shall be a continuity of the height of elements associated with the street level (store front, canopies, and spandrel above the first-floor windows) from one structure within a block face to another.
- ii. Store Front Articulation: All store front systems and store front glazing shall be supported off the street plane by a base stem wall that is at least 12 inches tall.
- iii. Building Openings: All openings within a Primary Building Façade shall be articulated with one or more of the following:
  - A. Header: A flat or arched header which may be an arched or parallel panel over an opening.
  - B. Surround: The articulation of head and jamb in a continuous band.
- iv. Orientation of Openings: Openings on the street level shall be square or portrait orientation. Other openings above the street level shall be portrait orientation (taller than they are wide).
- v. Expression of Entry: The location of entry shall be clearly expressed with greater architectural definition, creation of a threshold, and/or off-set of the entry from the block face.
- vi. Canopy: Where a minimum 5' clear pedestrian pathway can exist within the public walkway after the provision of an architectural canopy, a building canopy shall be provided that is consistent with the style of the structure and suspended from the structure's Primary Building Façade. Where an existing structure has not had a canopy or the façade is not capable of supporting a canopy or the building provides an arcade in lieu of a canopy, a canopy shall not be required. Canopies must comply with the following standards:
  - A. Canopies shall be structurally supported by tension rods or other iron support that connects the canopy to the structure it serves. Canopies shall not be supported by columns located in the public walkway.
  - B. Canopies shall have a fascia detail that is at least 6 inches wide.
  - C. Canopies are exempt from parapet requirements for flat roofs.
  - D. Canopy roofs must be metal.
- vii. Parapet: Where there is a flat roof, a parapet must extend at least 12 inches above the roof surface and conceal the roof material along the Primary Building Façade.
- viii. Cornice Band: The cornice band is the space below the parapet cap and above the window head. In all cases a portion of (or the entire) cornice band shall be distinguished with special articulation which includes:
  - A. Projected, corbelled, or stepped relief;
  - B. Cut stone or cast stone panels;
  - C. Recessed coffer panels; or



**Figure 10, Horizontal Continuity**

- D. Any combination of the above.
- ix. Building appurtenances built coterminous with the building plane that defines the block face: any loggia, arbor, canopy and/or arcade that is constructed in such a way that it aligns with or visually extends from the street defining building plane must carry the building plane to the lot line and/or corner by one of the following:
- A. a facade plane that supports the appurtenance and is expressed to the street as a continuation of building openings and building materials; or
  - B. a building component that is visually consistent with the historic treatment of such elements in downtown Ennis prior to 1940.
- b. Void to Solid Rhythm Continuity: Continuing the patterns of void to solid relationship (amount of openings to amount of solid wall) that characterize the block face. Where no previous pattern exists, then a historically compatible pattern shall be established using the following standards:

- i. First floor of CB and MB Building Primary Building Facades: The amount of void shall be greater than the amount of solid. General void to solid ratio is 3:1, meaning that there should be 3 times more void than solid, unless another ratio is approved by the City Manager or Designee to maintain consistency with the ratio of buildings within the shared block.



**Figure 11, Void-to-Solid Rhythm Continuity**

- ii. Floors above first floor of CB and MB Building Primary Building Facades and all floors of MRB Building Primary Building Facades: The amount of solid shall be greater than the amount of void and shall be generally consistent with the void to solid ratio of other buildings of similar mass within the same block. However, the amount of void-to-solid shall not exceed 1:2.5, meaning that there should be 2.5 times more solid than void.
- iii. All floors of CB, MB and MRB Building Secondary Building Facades: The amount of void shall not be greater than the amount of solid unless a greater amount of void is generally consistent with the void to solid ratio of other buildings of similar mass within the same block.

- c. Bay Width Modulation Continuity: Continuing the modulation of building width as created by historic lot patterns. Where no previous pattern exists, then a historically compatible pattern shall be established.

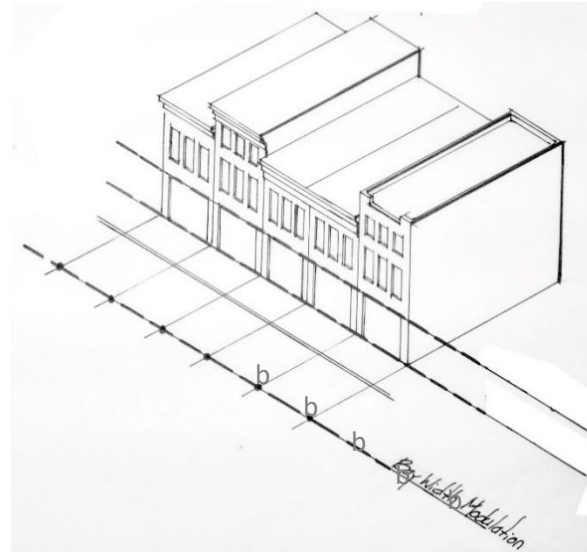


Figure 12, Bay Width Modulation

- d. Proportion: Proportion is the height to width relationship within the collective block face, including architectural elements such as doors, windows, etc. Compatible proportion is that which conforms to, or maintains, the general height to block face width of buildings within the Downtown Core Sub-District.

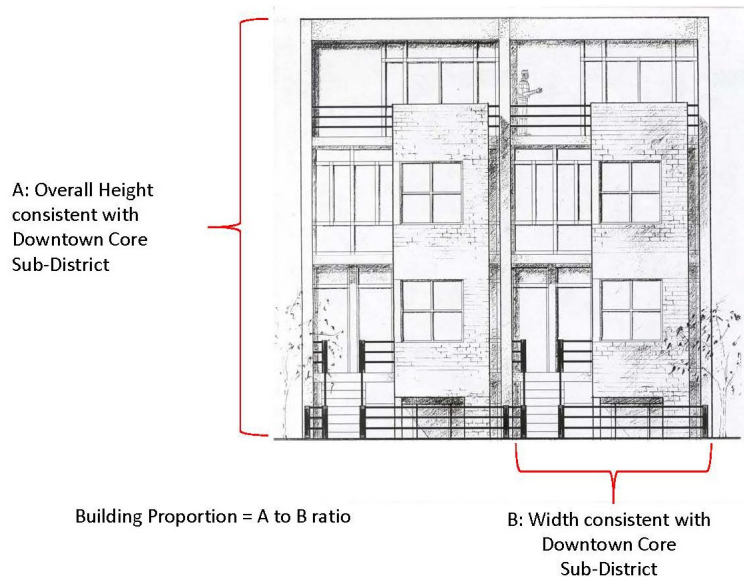


Figure 13, Example of Historic Proportion Compatibility for New Construction

- e. Material:
  - i. If the dominant material presented to the street is one of the materials specified in Section 6.1.a.i. A, then the dominant material presented to the street shall be the dominant material of the block unless a different material is assigned to non-street fronting masses and are compatible with the existing building being augmented or a different material is essential to style. Permitted materials for all Building Types are specified in **Section 6**.
  - ii. If the dominant material presented to the street is not specified in 6.1.a.i.A, then the dominant material of the block shall not dictate the material and a material contained in Section 6.1.a.i.A shall be used.
- f. Opening Transparency: Openings along the Primary Building Façade(s) in CB and MB Building Types shall not add windows with a visual transmittance of 0.6 or below, unless otherwise deemed appropriate by the City Manager or Designee to accommodate special privacy requirements of the tenant.
- g. If the existing building height, materials, and design is not representative of one of the historical styles, then all changes to the structure shall be designed to transition the building exterior to a design aesthetic that is sympathetic to the design requirements set forth herein.

**5.2 Transition 1 and 2 Sub-Districts: SRB and CWRB Building Types** shall comply with the following attributes of **Block Face Continuity**:

- a. Pitched Roof Continuity: Permitted roof forms shall be pitched, hipped or gabled roof if other structures within the shared block are generally pitched roof structures.
- b. Flat Roof Continuity: Permitted roof forms shall be flat with a parapet if other structures within the shared block are generally flat roof structures.
- c. Block Rhythm Continuity: The general massing relationships (i.e. porches, solarium, port-a-cache, or any other relationship of dominant to subordinate architectural elements) developed within these Zoning Sub-Districts shall be similar to the massing relationship prevalent along the shared block when development is limited to one lot within a block of multiple lots.
- d. Void-to-Solid Continuity: The amount of void on the Primary Building Façade shall be such ratio that is consistent with the style of the home and appropriate for any appurtenances thereto. Appropriate ratio of void-to-solid ratio shall be determined at the time of elevation review. There is no specified ratio for Secondary Building Facades.

**Section 6: Materials Guidelines**

**6.1 Building Façade Materials Guidelines**

- a. Commercial Bay (CB) Building Types in any Zoning Sub-District:
  - i. Primary Building Façade(s):
    - A. Primary Material: At least 90percent of Primary Building Façades must be either of the following:

1. Clay brick, modular size
  2. Limestone
  3. Texas Sand Stone
  4. Granite
  5. Terra Cotta
  6. Cast Stone
- B. Secondary Material: Secondary materials are permitted on no more than 10percent of Primary Building Facades:
1. 3 coat stucco over masonry substrate
  2. Architectural metal wall systems
  3. Cast iron
  4. Cast Stone
  5. Pressed metal
- ii. Secondary Building Façade(s) and Building Façade(s) not visible to the street:
- A. Permitted Material: 100percent of the Secondary Building Façade(s) must be either of the following:
1. Clay brick, modular size
  2. Limestone
  3. Texas Sand Stone
  4. Granite
  5. Terra Cotta
  6. 3 coat stucco over lath on structural framing with expansion joints concealed
  7. Architectural metal wall systems
  8. Cast Stone
  9. Wrought iron (features only)
  10. Pressed metal (features only)
- b. Multiple Residential Bay (MRB) and Mixed Bay (MB) Building Types in any Zoning Sub-District:
- i. Primary and Secondary Building Façade(s) and Building Façade(s) not visible to the street:
- A. Primary Material: At least 70percent of Primary Building Façades must be either of the following:
1. Clay brick, modular size
  2. Stone
  3. Cut stone
- B. Secondary Material: No more than 30percent of Primary Building Façades may be a Secondary Material including the following:
1. 3 coat stucco on lath over structural frame with expansion joints concealed.
  2. Architectural metal wall systems
- c. Single Residential Bay (SRB) and Common Wall Residential Bay (CWRB) Building Types in Transition 1 and Transition 2 Sub-Districts:
- i. Primary and Secondary Building Façade(s):

- A. Primary Material: At least 75percent of Primary Building Façades must be either of the following:
  - 1. Clay brick, modular size
  - 2. Stone
  - 3. Cut stone
  - 4. Minimum 5/8-inch wood siding that butts corner boards and window trim
  - 5. Wood shingle wall cladding (where essential aspect of style only)
- B. Secondary Material: No more than 25percent of Primary Building Façades may be a Secondary Material including 3 coat stucco on lath over structural frame with expansion joints concealed.
- ii. Building Façade(s) not visible to the street - permitted material: 100percent of the Building Façade(s) not visible to the street may be either of the following:
  - A. 3 coat stucco on lath over structural frame with expansion joints concealed
  - B. Minimum 5/8-inch wood siding that butts corner boards and window trim
  - C. Any material used on the Primary or Secondary Building Façade(s)

## 6.2 Roof Materials Guidelines

- a. Commercial Bay (CB) Building Types in any Zoning Sub-District:
  - i. Flat Roof: The flat roof may be either a built up bituminous roof or membrane roof provided it is installed in accordance with manufacturers' specifications and is issued a minimum 20-year warranty. All flat roof surfaces shall be hidden behind a minimum 12-inch parapet.
  - ii. Pitched Roof: Pitched materials are limited to the following:
    - A. Commercial metal system that looks like a traditional hand-crafted metal roof and is approved by the City Manager or Designee.
    - B. Standing seam, flat seam or other hand-crafted metal installation.
    - C. Slate
    - D. Clay tile
- b. Multiple Residential Bay (MRB) and Mixed Bay (MB) Building Types in any Zoning Sub-District:
  - i. Flat Roof: The flat roof may be either a built up bituminous roof or membrane roof provided it is installed in accordance with manufacturers' specifications and is issued a minimum 20-year warranty. All flat roof surfaces shall be hidden behind a minimum 12-inch parapet.
  - ii. Pitched Roof: Pitched materials are limited to the following:
    - A. Commercial metal system that looks like a traditional hand-crafted metal roof and is approved by the City Manager or Designee.
    - B. Standing seam, flat seam or other hand-crafted metal installation.
    - C. Slate
    - D. Clay tile

- c. Single Residential Bay (SRB) and Common Wall Residential Bay (CWRB) Building Types in any Transition 1 and Transition 2 Sub-Districts:
  - i. Flat Roof: The flat roof may be either a built up bituminous roof or membrane roof provided it is installed in accordance with manufacturer’s specifications and is issued a minimum 20-year warranty. All flat roof surfaces shall be hidden behind a minimum 12-inch parapet.
  - ii. Pitched Roof: The visually dominated roof type shall be a pitched roof. The following are permitted roof materials:
    - A. Standing seam, flat seam or other hand-crafted metal installation.
    - B. Slate
    - C. Clay tile
    - D. 30-year high profile composition shingle
    - E. Fire treated wood shingle
- d. Parapet Cap: Primary Building Façade(s) with a parapet in any Zoning Sub-District shall have a parapet cap in one of the following materials:
  - i. Clay brick
  - ii. Cut stone
  - iii. Cast stone
  - iv. Tile
  - v. Terra Cotta
  - vi. Other permitted caps when specific approval provided by City Manager or Designee are:
    - A. Pressed metal (created to decoratively cap a parapet; flat metal formed caps permitted on Primary Building Façade)
    - B. Parapets in-house construction may be capped in wood or specially formed decorative metal

## 6.7.7 ARTICLE 7: OTHER REGULATIONS

### Section 1: Signage

#### 1.1 Permitted Attached/ Building Mounted Sign Types in any downtown zoning sub-district:

- a. Awning Sign: A sign affixed or directly a part of the visible surface(s) of an attached awning. All awning signs shall be maintained without tears, fading, or missing lettering or images.



- b. Corner Sign: A building mounted sign located a certain dimension away from the edge of a building façade.



- c. Header Sign: A sign placed within a building's exterior façade material, such as masonry, and placed above the door and/or windows of the building.



- d. Horizontal Blade Sign: A slim profile sign mounted so that it projects from a building, a building arcade, or canopy structure and into the public way. All signs extending over the public right of way shall be approved subject to the approval of a license by the City Commission in its legislative discretion.





- e. Mid-Story Sign: A building mounted sign located between floors, above the header and below the next story's window or balcony sill or the parapet.



- f. Parapet Sign: A building mounted sign located on a building's parapet, the portion of the building façade along the roof.



- g. Window Sign: A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.



- h. Marquee Sign: A sign mounted on a building so that it projects from a building, either from the upper story or mid-story at canopy level, and often seen in artful forms in specialty shopping environments, in downtown areas or other similar conditions.



- i. Temporary Signs: A sign that is constructed of lightweight or flimsy material and is easily installed and removed using ordinary hand tools. Temporary signs may only be located in the public right-of-way, including a public sidewalk, upon issuance of a license by the City Commission in its legislative discretion. The following Temporary Signs are allowed upon the issuance of a permit:

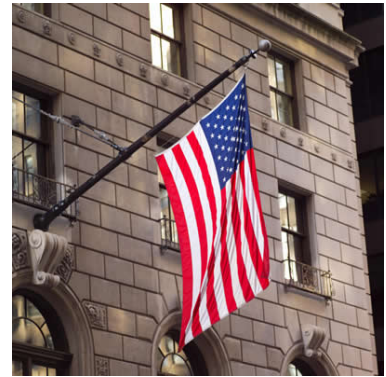
- A. "A" Frame/ Sandwich Board: A temporary collapsible sign typically made of wood or plastic and placed in the public walkway.



- B. Banners: A suspended sign made of flexible material such as canvass, sail cloth, plastic or waterproof material. Banners may be decorative (carrying no message) or promotional (carrying a non-commercial message displayed to call attention to cultural/ art events, charity campaigns, or organization sponsored activities). Banners require a permit in accordance with the Sign Ordinance and are limited in duration as set forth therein.



- C. Flag: A piece of fabric or other flexible material, usually rectangular, of distinctive design, and used as a symbol.



### 1.2 Sign Regulation for Sign Types

- a. Sign Space Envelope: A sign placed on a building is subordinate to the building itself. Therefore, architecturally meaningful locations on the building façade, otherwise known as the “Sign Space Envelope”, become appropriate for display of the sign, itself. Sign Space Envelopes occur in the following conditions:

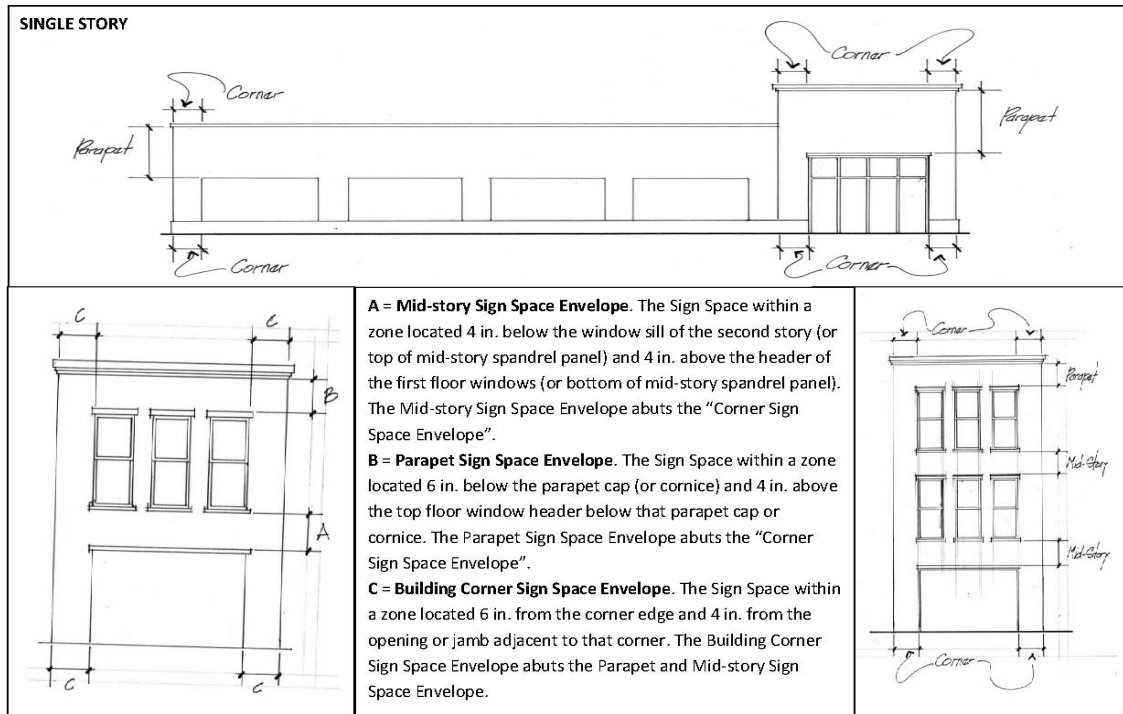


Figure 14, Sign Space Envelopes on a Building

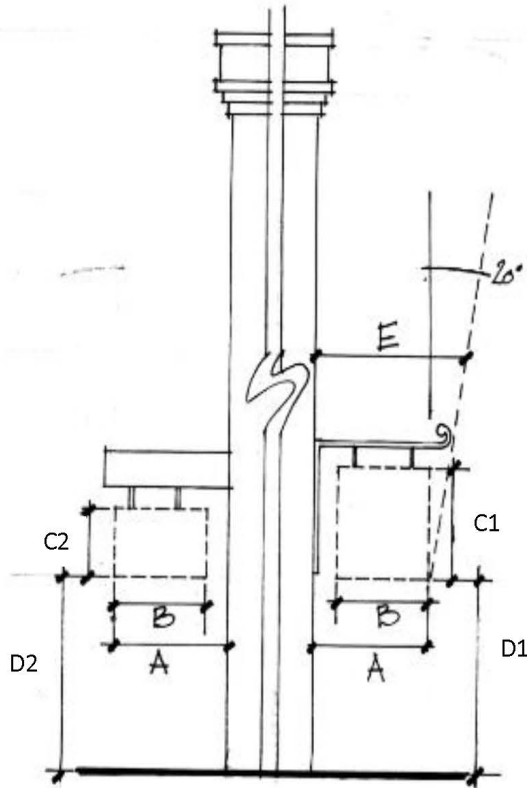


Figure 15, Horizontal Blade Signs

**A = Maximum Horizontal Projection:** The Maximum Horizontal Projection is 5 feet.

**B = Maximum Sign Width:** The Maximum Sign Width at Minimum Ground Clearance is 4.25 feet.

**C = Maximum Sign Area:**

1. The Maximum Sign Area for a **Wall Mounted Horizontal Blade Sign** with no canopy cover is 20 sf.
2. The Maximum Sign Area for a **Canopy Mounted Horizontal Blade sign** is 4 sf. "C2" may be increased 4 sf. for each additional 1 ft. increase in canopy height above 11 ft.

**D = Minimum Ground Clearance:**

1. **With no canopy** is 8 ft. – 0 in.
2. **Under a canopy** is 7 ft. – 6 in.

**E = The Angle of Maximum Projection.** A sloping line defines allowable increases in the Maximum Projection as a Function of increases in Ground Clearance Height provided that the increased horizontal projection does not:

- Project over a vehicular way
- Project over a fire lane
- Project over a street right-of-way

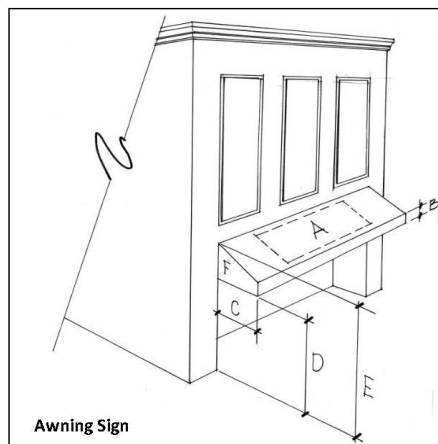


Figure 16, Awning/Canopy Signs

**A = Awning Sign Area:** The maximum Awning Sign Area is 42% of the Awning Area

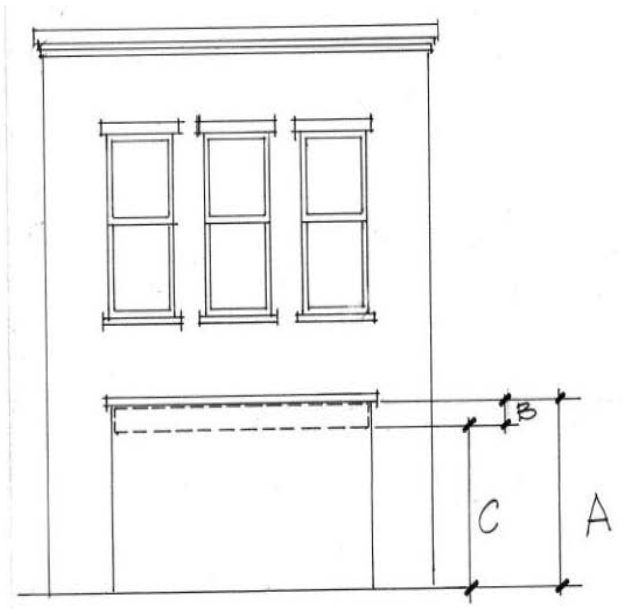
**B = Awning Fascia:** The Sign Area within the Awning Fascia must leave a 2 inch border at the top, bottom, and corner.

**C = Awning Projection.** The Maximum Awning Projection is 60 inches or a distance from the building plane to a point that would leave 3 feet of sidewalk width outside the awning cover; whichever is less.

**D = Ground Clearance:** The minimum Ground Clearance for an Awning is 7 feet.

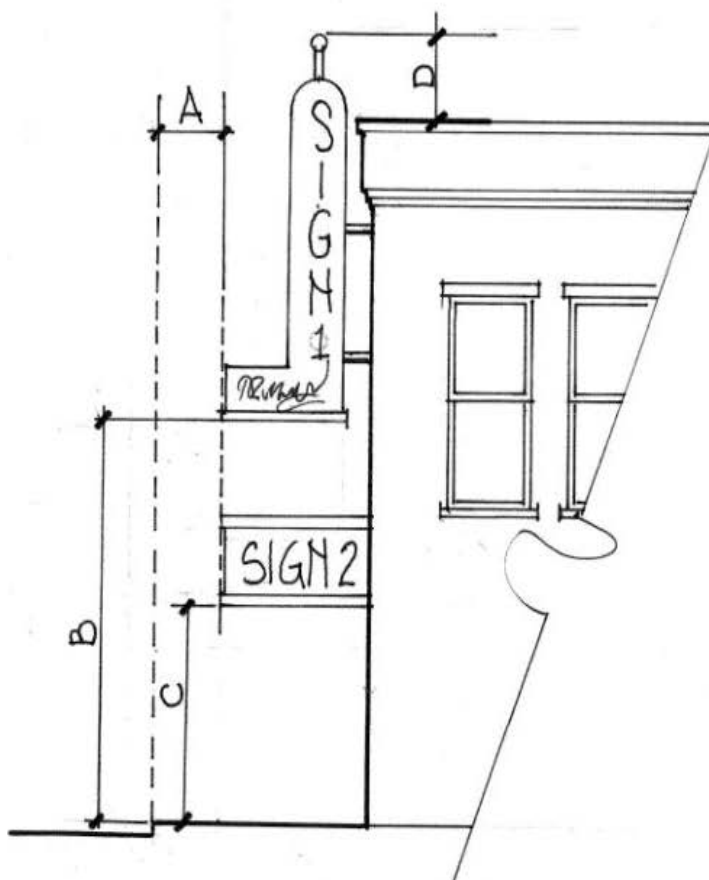
**E = Awning Height:** The maximum Awning Height is the top of the mid-story band between the first and second floor or 12 in. below the one story roof parapet or 25 feet, whichever is less.

**F = Awning Side:** No signage permitted on the Awning Side.



- A = Header Height:** The Header Height is equal to the Opening Height.
- B = Vertical Dimension of the Header Sign:** The Maximum Vertical Dimension of the Header sign is .20 X A.
- C = Minimum Ground Clearance:** The minimum Ground Clearance of a Header Sign is 8 feet.

Figure 17, Header Signs



**Sign 1 = Upper Story Marquee Sign**

- B = Minimum Ground Clearance:** The Minimum Ground Clearance of an Upper Story Marquee Sign is 12 feet.
- D = Maximum Vertical Projection Above the Parapet:** The maximum Vertical Projection above the Parapet for an Upper Story Marquee Sign is 2 ft.

**Sign 2 = Canopy Marquee Sign**

- A = Maximum Horizontal Projection:** The Maximum Horizontal Projection of a Canopy Marquee Sign must not leave less than 3 feet of sidewalk space beyond the outer most edge of the Canopy Marquee.
- C = Minimum Ground Clearance:** The Minimum Ground Clearance of a Canopy Marquee Sign is 10 feet.

Figure 18, Marquee Signs

- 1.3 Applicability: The number of permitted signs per building are as follows:
- a. Corner, Parapet, Mid-story, and /or Marquee Signs: 1 per building
  - b. Awning Signs: 1 per awning in each permitted location
  - c. Horizontal Mast Signs and Header Signs: 1 per premise
  - d. Window Sign: no sign or combination of signs may cover more than 50percent of the glazed area in which the sign is located and window signs may only be on the street level. Any sign located within twelve inches of a window is considered a window sign.

## **Section 2: Lighting**

2.1 Purpose: The purpose of lighting in the downtown area is to enhance the "night form" of the downtown area by creating a lower ambient light level at the ground that allows the internal lighting of retail and entertainment activation to be highly visible to the street. Also, lighting is meant to accentuate signage as a key visual expression of activity and use and highlight the distinctive features of architecture.

2.2 The following types of lighting are prohibited:

- a. sodium vapor light source;
- b. flood lights on the Primary or Secondary Façade(s); and
- c. utility lighting on the Primary or Secondary Façade(s).

2.3 The following type of lighting are permitted:

- a. Building down lighting achieved through decorative light fixtures projected from the building facade by ornamental light "arms". This does not permit parapet or building mounted security lighting meant to light the ground plane or a Primary or Secondary Façade. Such security lighting is permitted on other facades.
- b. Soffit lighting in canopies, arcades, entry ways, or other permitted cover of an activity area
- c. Front lighting for building mounted signs
- d. Internally lit signage
- e. Temporary, portable area lighting meant for special purpose or activity
- f. Marquee lighting
- g. Neon signage
- h. Patio string lights
- i. Landscape lighting
- j. Standard street lighting similar to that portrayed in the Downtown Master Plan

2.4 All projected lighting or front lighting shall be hooded by an ornamental fixture that prevents visibility of the light source from neighboring properties.

2.5 Excluded from this regulation:

- a. emergency lighting required by any code;
- b. other lighting required by any code; and
- c. special lighting required for safety such as step lights.

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

**Article VII – Site Design and Development Standards**

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

**Article VII – Site Design and Development Standards**

**7.1 APPLICABILITY**

Table 7.1-1 shall establish the applicability of the different standards in this section based on the type of development.

Table 7.1-1 Applicability of Standards					
	Section →				
Development Request		Off-Street Parking	Screening and Fencing	Transportation and Connectivity	
■ Designates applicable section					
A. New Construction		■	■	■	
B. Change of use/expansion of existing use (with NO increase in building area)		■			See F. below
C. Interior remodel of existing buildings with no increase in building footprint					
D. Exterior remodel with or without any building or site addition of historically designated properties					
E. Expansion of Building Area (non-historic properties)					
i. 0% - 49% increase in building area regardless of increase in value of improvements		■	■	■	Standards in applicable sections shall apply only to the expansions
ii. 50% or greater increase in building area AND less than both (i) 50% increase in assessed value of improvements and (ii) Any proposed improvements valued at or above \$100,000		■	■	■	Standards in applicable sections shall apply only to the expansions
iii. 50% or greater increase in building area AND more than either (i) 50% increase in assessed value of improvements or (ii) Any proposed improvements valued at \$100,000 or more		■	■	■	Standards in applicable sections shall apply to the site including retrofitting of the existing building and site even if the site is non-conforming, subject to Administrative Modifications in Article III.
F. Expansion of parking area only (not in conjunction with a building or use expansion; may be in conjunction with a change in use)					
i. Up to 10 spaces					
ii. 11 or more additional spaces			■	■	Standards in applicable sections shall apply only to the expansions
G. Façade changes to existing buildings (regardless of value of improvements proposed)					
i. Addition of non-air conditioned space such as patios, porches, arcades, canopies, and outdoor seating areas		■			Standards in applicable sections shall apply only to the expansions
ii. Changes to any street facing facades					

## 7.2 OFF STREET PARKING

### 7.2.1 Purpose

The regulations of this section are intended to ensure provision of off-street parking and loading facilities in rough proportion to the generalized parking, loading, and transportation demands of different land uses. By requiring such facilities, it is the intent of this section to help avoid the negative effects associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design effects that can result from large surface parking lots and other vehicular use areas. The provisions of this section are also intended to help protect the public health, safety, and general welfare by:

- (1) Helping avoid and mitigate traffic congestion;
- (2) Encouraging pedestrian safety;
- (3) Providing methods to help reduce storm water runoff and the heat island effect of large paved parking areas; and
- (4) Providing flexible methods of responding to the changing transportation and access demands of various land uses in different areas of the city.

### 7.2.2 Applicability

- (1) **GENERALLY:** The off-street parking and loading standards of this section shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district. Except when specifically exempted, the requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site.
- (2) **EXPANSIONS AND ENLARGEMENTS:** The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the expanded use shall equal 100 percent of the minimum ratio established in Tables 7.2-3a and 7.2-3b.
- (3) **CHANGE IN PERMITTED USES:** A permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces if the Administrator determines:
  - (a) The maximum amount of parking spaces possible is provided without removing or partially removing a structure.
  - (b) If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking spaces necessary towards fulfilling the requirements of Tables 7.2-3a and 7.2-3b.
  - (c) The amount of parking available at least 75 percent of the parking required for the new use in Tables 7.2-3a and 7.2-3b.
- (4) **LOCATION:** Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in this section.

- (5) USE LIMITED TO PARKING: No required off-street parking facility or loading space shall be used for sales, non- vehicular or rental vehicle storage, repair, or service activities unless specifically provided for in this Ordinance.

**7.2.3 Off Street Parking Standards**

- (1) OFF-STREET PARKING SCHEDULE A: The off-street parking requirements for uses allowed by this Ordinance are listed in Table 7.2-3a. The vehicle stacking requirements of Section 7.2.6, Drive-Through Vehicle Stacking, may also be applicable to certain uses.

TABLE 7.2-3a: Off-Street Parking Schedule A		
USE CATEGORY	USE TYPE	PARKING REQUIREMENT sf = Square feet GFA = Gross Floor Area
<b>RESIDENTIAL USES</b>		
<b>Household Living</b>	Dwelling, single-family detached	2.0 per dwelling unit
	Dwelling, townhouse (SF attached or multi-family)	2.0 per dwelling unit
	Dwelling, live/work	2.0 dwelling unit (work area calculated as retail, office, or commercial use)
	Dwelling, multi-family (MF-1 and MF-2)	1.0 per efficiency unit, 1.5 per 1 bedroom unit, 2.0 per 2 bedroom unit, 2.5 per 3 bedroom unit. For paid parking (above 20%), parking counted at .5 per space.
	Accessory dwelling unit	1 per dwelling unit
	HUD-Code manufactured home	2 per dwelling unit
<b>Group Living</b>	Assisted living facility (≤6 residents)	1 per bed plus 1 per 100 sf of common area
	Assisted living facility (≥7 residents)	1 per bed plus 1 per 100 sf of common area
	Boarding house   fraternity or   sorority house   private dorm	1 per bed
	Community, group, or foster home	2 per dwelling unit, not to exceed 1 per bedroom
	Independent senior living facility	1 per dwelling unit plus 1 per 100 sf of common area
	Nursing home	1 per 2 beds plus 1 per 100 sf of common area
<b>PUBLIC AND INSTITUTIONAL USES</b>		
<b>Civic and Cultural Facilities</b>	Art gallery, museum, or special purpose recreational institution	1 per 1,000 sf GFA
	Civic, social, philanthropic, or fraternal organizations	3 per 1,000 sf GFA
	Labor or political organizations	3 per 1,000 sf GFA
	Business or professional organizations	3 per 1,000 sf GFA
	Religious Assembly and Institutions	1 per 4 seats. If no fixed seating, then based on 25% maximum capacity of the assembly areas, as determined by adopted Building/Fire Code.
<b>Parks and Recreation Facilities</b>	Community Garden	1 per 5,000 sf of lot area
	Farmers' Market	Schedule C
	Park or playground	Schedule C. Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.
	Nature preserve	Schedule C
	Recreation Center	3 per 1,000 sf GFA
<b>Health and Human</b>	Clinics and labs	3 per 1,000 sf GFA
	Nursing and other rehabilitative	1 per 2 beds plus 1 per 100 sf of common area

**TABLE 7.2-3a: Off-Street Parking Schedule A**

USE CATEGORY	USE TYPE	PARKING REQUIREMENT sf = Square feet GFA = Gross Floor Area
<b>Services</b>	Hospital	1 per 4 beds based on 80% of maximum capacity, plus 3 per 1,000 sf GFA of office area, plus parking as required for accessory uses
	Social assistance and welfare services	3 per 1,000 sf GFA
	Funeral homes and services (with or without cremation services)	3 per 1,000 sf GFA
	Cemetery	Schedule C
<b>Public and Other Government Functions</b>	Legislative and executive functions	3 per 1,000 sf GFA
	Courts (local, state, and federal)	3 per 1,000 sf GFA
	Correctional institutions	Schedule C
	Public safety facility	3 per 1,000 sf GFA
	Other government functions	3 per 1,000 sf GFA
<b>Educational Service Establishments (public and private)</b>	Child day care	3 per 1,000 sf GFA
	Nursery and pre-school	3 per 1,000 sf GFA
	Elementary and Middle Schools	2 per classroom
	Senior and High Schools	6 per classroom and 1 per 300 sf of administrative office space
	Colleges and Universities	Schedule C
	Technical, trade, and specialty schools	3 per 1,000 sf GFA
<b>COMMERCIAL USES</b>		
<b>Agriculture</b>	All	None
<b>Animal Production and Ranching</b>	All	None
<b>Animal-related Services</b>	Veterinary clinic	2 per 1,000 sf GFA
	Kennels, commercial	1 per 1,000 sf GFA
	Stables, commercial	1 per 5 stalls
	Pet and animal-related sales and services (including grooming and care)	3 per 1,000 sf GFA
<b>Auto Sales, Equipment, and Repair</b>	Motor vehicle sales, new	2 per 1,000 sf GFA of sales floor area
	Motor vehicle sales, used	2 per 1,000 sf GFA of sales floor area
	Large vehicle sales and service	1 per 1,000 sf GFA of sales floor area
	Specialty vehicle sales, new	2 per 1,000 sf GFA of sales floor area
	Specialty vehicle sales, used	2 per 1,000 sf GFA of sales floor area
	Auto repair and service, minor	2 per 1,000 sf GFA of sales floor area
	Auto repair and service, major	2 per 1,000 sf GFA of sales floor area
	Car and truck wash	2 spaces plus any stacking spaces required. See Section 7.2.6
	Auto-related parts and accessory sales	2.5 per 1,000 sf GFA
	Gasoline sales pumps	Stacking spaces required. See Section 7.2.6.
<b>Retail Sales</b>	Furniture and home furnishings	≤ 20,000 sf: 3 per 1,000 sf GFA Over 20,000: 1 per 1,000 sf GFA

<b>TABLE 7.2-3a: Off-Street Parking Schedule A</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>PARKING REQUIREMENT</b> sf = Square feet GFA = Gross Floor Area
	Building materials, Home and Garden Centers	≤ 20,000 sf: 3 per 1,000 sf GFA Over 20,000: 1 per 1,000 sf GFA
	Swimming pool, spa, and accessory sales and service	2 per 1,000 sf GFA
	All other retail uses (other than those specifically listed here)	3 per 1,000sf GFA
	Any retail sales use with gasoline sale pumps	Stacking spaces required. See Section 7.2.6.
	Any retail sales use with drive-thru facilities	Stacking spaces required. See Section 7.2.6.
<b>Financial Services</b>	All uses	2.5 per 1,000 sf GFA
<b>Rental and Leasing</b>	Car rental	2.5 per 1,000 sf GFA
	RV, trailers, and truck rental	2 per 1,000 sf GFA
	Recreational and consumer goods rental	2 per 1,000 sf GFA
	Commercial and industrial machinery leasing and rental	1 per 1,000 sf GFA
	Video, music, or software rental	3 per 1,000 sf GFA
<b>Food and Beverage Services</b>	Bar or drinking establishment	8 per 1,000 sf GFA including outside dining/drinking areas.
	Full-service restaurant	8 per 1,000 sf GFA, including outside dining/drinking areas.
	Café or self-service restaurant	8 per 1,000 sf GFA, including outside dining/drinking areas.
	Restaurant with take-out or delivery only	3 per 1,000 sf GFA
	Snack, coffee, juice, ice cream, or specialty food sales	8 per 1,000 sf GFA, including outside dining/drinking areas.
	Catering service	3 per 1,000 sf GFA
	Any food and beverage establishment with drive-thru facility	6 per 1,000 sf GFA, including outside dining/drinking areas plus any stacking spaces required. see Section 7.2.6
Any food and beverage establishment with outdoor or sidewalk service	Same as full-service restaurant	
<b>Lodging Facilities</b>	Bed and breakfast establishment	1 per guest room, in addition to those required for principal residence
	Limited Service Hotels/Motels (including extended stay hotels)	1 per guest room or residence unit up to 100 units, then 0.75 per unit over 100. 50% of spaces may be counted to satisfy parking requirements of accessory uses
	Full-service hotels	1 per guest room or residence unit up to 100 units, then 0.75 per unit over 100. 50% of spaces may be counted to satisfy parking requirements of accessory uses
<b>Business, Professional, and Technical Services</b>	All office uses other than specified in this section	3 per 1,000 sf GFA
	Medical and Dental Offices	4 per 1,000 sf of GFA
	Call/customer service center	1 per 150 sf of GFA
<b>Personal Services</b>	General personal services (other than listed)	3 per 1,000 sf GFA
	Bail bond service	3 per 1,000 sf GFA
	Massage therapy clinic	3 per 1,000 sf GFA

<b>TABLE 7.2-3a: Off-Street Parking Schedule A</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>PARKING REQUIREMENT</b> sf = Square feet GFA = Gross Floor Area
	Tattoo parlor or piercing studio	3 per 1,000 sf GFA
<b>Recreation and Entertainment (Indoor)</b>	Banquet or meeting facility	8 per 1,000 sf GFA
	Fitness club, gym, or sports club	8 per 1,000 sf GFA
	Games arcade	8 per 1,000 sf GFA
	Skating rink (ice, roller skating, etc.)	Schedule C
	Bowling, billiards, pool, bingo, etc.	8 per 1,000 sf GFA
	Indoor amusement establishment	Schedule C
	Shooting club	2 per target area
	Theater (movie, music, drama, or dance)	1 per 4 seats
	Recreation, indoor (other than listed)	Schedule C
<b>Recreation and Entertainment, Outdoor</b>	Outdoor Amusement Establishment (other than those listed)	Schedule C
	Marina or yachting club	Schedule C
	Golf course	4 per green
	Country club	4 per 1,000 sf GFA
	Gun club, skeet, or target range (outdoor)	2 per target area
	Miniature golf establishment	2 per hole
<b>Sexually Oriented Business</b>	All uses	8 per 1,000 sf GFA
<b>INDUSTRIAL USES</b>		
<b>Manufacturing and Wholesale Trade</b>	Food and beverage processing	Schedule B
	Microbrewery, micro distillery, winery	Schedule B
	Paper and printing materials	Schedule B
	Furniture and related products	Schedule B
	Appliances, electrical equipment, electronics, and components	Schedule B
	Transportation equipment and automobiles	Schedule B
	Miscellaneous manufacturing (jewelry, toys, games, office supplies, custom crafts, etc.)	2 per 1,000 sf GFA
	Chemicals, and metals, machinery, and heavy manufacturing	Schedule B
<b>Wholesale Trade</b>	All uses	Schedule B
<b>Warehouse and Storage</b>	Cold Storage Plant	Schedule B
	Distribution center or warehouse	Schedule B
	Self-storage or mini storage	1 per 20 storage units, plus 2.5 per 1,000 sf GFA of office area

TABLE 7.2-3a: Off-Street Parking Schedule A		
USE CATEGORY	USE TYPE	PARKING REQUIREMENT sf = Square feet GFA = Gross Floor Area
<b>Construction-related businesses</b>	All uses	Schedule B
<b>Transportation-related Uses</b>	Air transportation related uses	2.0 per 1,000 sf GFA of passenger terminal area
	Rail transportation related uses	Schedule C
	Local transit related uses (vans, buses, commuter rail, light rail, etc.)	Schedule C
	Intercity bus and charter service uses	Schedule C
	Taxi and limousine service	Schedule C
	Courier, messenger, and postal services	Schedule C
	Truck and freight transportation services	Schedule B
<b>Utilities and Utility Services</b>	Utility lines, towers or metering/pumping station	Schedule C
	Sewer, solid waste, recycling, and related services	Schedule C
	Natural gas, petroleum, fuel related services	Schedule C
	Electric utility services (includes generating plants and substations)	Schedule C
	Telecommunications equipment and facilities (building mounted)	None
	Telecommunications towers	1 space
	All other utility related uses (other than listed)	Schedule C

- (2) OFF-STREET PARKING SCHEDULE B: Uses that reference Schedule B in Table 7.2-3a, Off-Street Parking Schedule A, shall provide the minimum number of spaces identified in the table below.

<b>TABLE 7.2-3b: Off-Street Parking Schedule B</b>		
<b>Use or Activity</b>		<b>Required Number of Spaces</b>
Office or administrative area		2 per 1,000 square feet GFA
Indoor sales area		3 per 1,000 square feet GFA
Indoor storage, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	3 per 1,000 square feet GFA
	3,001-5,000 square feet of floor area	2 per 1,000 square feet GFA
	5,001-10,000 square feet of floor area	1.25 per 1,000 square feet GFA
	10,001 or more square feet of floor area	0.8 per 1,000 square feet GFA
Outdoor sales, display, or storage area (3,000 square feet or less)		1.25 per 1,000 square feet GFA
Outdoor sales, display, or storage area (more than 3,000 square feet)		1 per 1,000 square feet GFA
NOTE: The total number of required spaces is cumulative based on the variety of different functions present in a single use.		

- (3) OFF-STREET PARKING SCHEDULE C: Uses that reference Schedule C in Table 7.2-3a, Off-Street Parking Schedule A, have widely varying parking characteristics and uses that reference Schedule B in Table 7.2-3b, Off-Street Parking Schedule B, may have widely varying parking characteristics that make it difficult to establish a single standard. Upon receiving an application for a use subject to Schedule B or Schedule C standards, the Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use. The Administrator may also establish off-street parking requirements based on a parking analysis prepared by the applicant. Such analysis shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates, and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The analysis shall document the source of data used to develop the recommendations.

#### **7.2.4 Computation of Parking and Loading Requirements**

- (1) FRACTIONS  
When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next higher whole number.
- (2) MULTIPLE USES  
Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses. No off-street parking space provided for one type of use or building shall be included in calculation of the off-street parking requirements for any other use or building except as prescribed in Section 7.2.7, Alternative Parking Plan, of this Ordinance. Multi-tenant buildings shall not designate parking spaces for individual tenants within a multi-tenant development. All parking spaces shall be available for all users.
- (3) AREA MEASUREMENTS



Unless otherwise specified, all square footage-based parking and loading standards shall be computed based on gross floor area of the use in question. Structured parking within a building shall not be counted as gross floor area in such measurement.

- (4) **OFF-STREET LOADING AND SERVICE AREAS**  
Required off-street loading spaces shall not be counted as off-street parking spaces in computation of required off-street parking spaces. Parking spaces located in buildings used for repair garages or car washes, and spaces in drive-through lanes shall not be counted as meeting the required parking.
- (5) **PARKING BASED ON OCCUPANTS**  
Except as provided for in this section, when the standards use the number of occupants as a unit of measurement, all calculations shall be based on the occupant load as determined by the city's adopted Building and Fire Codes.
- (6) **PARKING BASED ON SEATING**  
When the standards use seating as a unit of measurement, all calculations shall be based on the occupant load of the areas used for seating as determined by the city's adopted Building and Fire Codes.
- (7) **PARKING FOR UNLISTED USES**  
Parking requirements for uses not specifically listed in Table 7.2-3a, Off-Street Parking Schedule A, shall be determined by the Administrator based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Administrator may alternately require the submittal of a parking demand analysis that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.
- (8) **SPECIAL PARKING REQUIREMENTS IN CERTAIN ZONING DISTRICTS**
  - (a) **Regional Mixed Use Districts**
    - i. In any Regional Mixed Use Districts (RMU), the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.
  - (b) The total number of required parking spaces in a RMU District may be reduced by the Administrator if the applicant prepares a parking demand study that demonstrates a reduction is appropriate based on the expected parking needs of the development, internal trip capture, and similar factors. The parking demand study shall be prepared in a form and manner prescribed by the Administrator.
  - (c) Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and pedestrian-oriented streets. However, the Administrator may approve an off-street area for passenger drop-off or pick-up activity such as porte-cocheres or other similar elements that still maintain a continuous pedestrian streetscape with an Administrative Modification.
  - (d) Kaufman Corridor District

- i. Given the mixed use and redevelopment goals of the Kaufman Corridor District in addition to the focus on walkability, Table 7.2-3 shall establish the parking schedule for all uses in the Kaufman Corridor District

<b>Table 7.2-3 Kaufman Corridor District Parking Schedule</b>			
<i>Kaufman Corridor Sub-District →</i>	<i>Kaufman Corridor Core</i>	<i>Kaufman Corridor Transition</i>	<i>Additional Criteria</i>
<b>Min. Off-Street Parking Requirement</b>			
All Non-Residential uses and ground floor area with frontage on Kaufman Street	1 space per 500 sq.ft. of building area	1 space per 400 sq.ft. of building area	1. Off-site parking may be provided per Section 7.2.7. Alternative Parking Plan. 2. Landscaping within surface parking lots shall meet standards in Article VIII of this Ordinance. 3. A shared parking plan or alternative parking plan may be approved by the Administrator as an Alternative Parking Plan 4. On-street parking located along any public street shall not count towards the required off street parking
Residential uses	1.0 spaces per each dwelling unit	1.0 space per each dwelling unit	
Lodging uses (hotels and motels)	0.5 spaces per guest room; all other areas shall be parked at the non-residential rate above	0.75 spaces per guest room; all other areas shall be parked at the non-residential rate above	

**7.2.5 Accessible Parking**

In addition to the required off-street parking identified in Section 7.2.3, Off-Street Parking Standards, accessible parking shall be provided for multi-family and all non-residential uses in accordance with the Americans with Disabilities Act and the Texas Accessibility Standards.

**7.2.6 Drive-Through Vehicle Stacking**

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

(1) LOCATION OF STACKING LANES AND USE OF ORDERING DEVICES

- (a) Ordering devices or menu boards such as audible electronic devices with loudspeakers, automobile service order devices, and similar instruments shall be oriented away from any adjoining residential properties.
- (b) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers served in vehicles shall be parked to the sides and/or rear of the principal building.
- (c) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

(2) STACKING SPACE AND LANE REQUIREMENTS: The number of required stacking spaces shall be as provided for in Table 7.2-6, Stacking Space Requirements.

(3) DESIGN AND DIMENSIONS: Stacking lanes shall be provided for any use having a drive-through establishment and shall comply with the following standards:

- (a) Drive-through aisles:
  - i. Cannot interfere with the on-site parking and circulation for other vehicles on the site;
  - ii. Cannot interfere with on-site parking; and
  - iii. Cannot result in traffic queuing into a drive aisle, adjacent property or street.
- (b) Drive-through stacking lanes shall have a minimum width of ten feet.
- (c) Drive-through by-pass lane shall be provided.

<b>TABLE 7.2-6: Stacking Space Requirements</b>		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution, or Automated Teller Machine (ATM)	3 spaces or 60 feet	Teller or Window
Restaurant	2 spaces or 40 feet before ordering device and 3 spaces or 60 feet between ordering device and first window.	Pick-Up Window
Full Service or Automated Vehicle Washing Establishment	3 spaces or 60 feet	Entrance to Washing Bay
Fuel or Gasoline Pump Island	1 space or 20 feet	Pump Island
Other uses with drive-through windows (pharmacy, dry cleaners, etc.)	2 spaces or 40 feet	Pick-up window

**7.2.7 Alternative Parking Plan**

The Administrator may approve alternatives to providing the number of off-street parking spaces required by Section 7.2.3, Off-Street Parking Standards, in accordance with the following standards.

**(1) OFF-PREMISE PARKING**

The Administrator may permit an off-premise parking facility to accommodate either required or additional parking subject to the following conditions:

- (a) The off-premise parking facility shall be located within 400 feet from an entrance, as measured along the shortest practical walking route, to the structure for which it will be used.
- (b) Off-premise parking should be connected to the use by a sidewalk or paved walkway.
- (c) Residential parking or accessible parking may not be provided in off-premise facilities.
- (d) Off-premise parking shall have the same or more intensive zoning classification as the primary use served.
- (e) The owner of the property being used for off-premise parking shall have executed a parking agreement for such parking and shall notify the city in the event the parking agreement is terminated. The parking agreement shall be an encumbrance to the property and shall be recorded in the Ellis County real property records.

**(2) SHARED PARKING**

The Administrator may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

- (a) Location: Shared parking spaces shall be located within 400 feet of a public entrance to the uses served unless remote parking shuttle bus service is provided.
  - (b) Zoning Classification: Shared parking areas for non-residential uses shall not be located on residentially zoned property including multi-family residential property.
  - (c) Shared Parking Analysis: Where shared parking is contemplated, the applicant may be required to include parking accumulation analyses as a part of the request for approval. The analysis shall include the parking demand for each hour over a 12- to 24-hour period for a typical high volume day. This will determine the minimum number of spaces that shall be provided. Based on the analysis submitted, if the maximum number of vehicles accumulated during a peak hour or hours for all overlapping uses exceeds the number of spaces that are required to be provided, shared parking shall be limited. A prorated number of shared parking spaces may be permitted based on the justification information of the analysis.
  - (d) Agreement for Shared Parking: A shared parking plan will be enforced through a written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Administrator for review and approval. The applicant shall record the agreement prior to the issuance of a building permit or certificate of occupancy for any use to be served by the shared parking. A shared parking agreement may be terminated if all required off-street parking spaces are to be provided in accordance with the requirements of Section 7.2.3, *Off-Street Parking Standards*.
  - (e) Shared parking agreements that existed prior to the adoption of this Ordinance shall continue in force.
  - (f) Amendments to pre-existing agreements shall be made pursuant to the terms of this Section and shall be done by written agreement.
- (3) PUBLIC PARKING
- Credit for Nearby Public Parking: Spaces available in public parking areas located within 400 feet of the subject use may be counted toward the total amount of required off-street parking if the Administrator determines that the spaces are reasonably available for the use.

### **7.2.8 Parking Facility Location and Design**

#### **(1) PARKING SPACE DIMENSIONS**

- (a) No parking space shall be less than 18 feet in length and nine feet in width, except as provided below.
- (b) Parking spaces may be reduced in length when a tire-stop curb is installed 16 feet from the maneuvering lane and a clear space of two feet is provided for a vehicle to overhang. The overhang is not permitted over public property, sidewalks, a landscaped area, or a setback in which parking is not permitted. Such reduction is permitted only when the width of the maneuvering lane is maintained at 26 feet.

- (c) A maximum of 20 percent of the required parking spaces may be designed and reserved for compact cars. Compact car parking spaces will be a minimum of eight feet by 16 feet and shall be clearly identified with either a sign or pavement marking limiting the spaces to compact cars.
  - (d) The minimum two-way parking aisle width is 24 feet unless designated as a fire lane in which case the standard for a fire lane shall supersede.
- (2) DESIGN OF PARKING SPACES: The following shall apply in all zoning districts:
- (a) Parking Prohibited in Rights-of-Way and Drive Lanes:
    - i. No off-street parking facility shall be located, in whole or in part, in a public street or sidewalk, parkway, alley, or other public right-of-way.
    - ii. No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by ordinance of the city or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.
  - (b) All parking areas, drive aisles, and fire lanes shall be of concrete paving unless alternative paving materials are approved based on unique design features as part of a site plan approved by the City Commission.
- (3) PARKING AREA LOCATION AND LAYOUT IN NON-RESIDENTIAL DISTRICTS  
The following shall apply in the non-residential zoning districts except in the RMU and Kaufman Corridor Districts.
- (a) Parking Location: Sites shall be designed with buildings closer to the street with parking located to the side and rear of the site to avoid views of large, paved parking areas from public rights-of-way. However, the Administrator may adjust this requirement based on the prevailing development patterns or future vision for the area in order to be consistent with the established pattern of development along the street or creating a better context for the future of the area.
  - (b) Parking Area Layout: Surface parking lots shall comply with the requirements for parking lot landscaping in Article VIII.
  - (c) Circulation Area Design: Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area. Parking lots shall maintain safe circulation patterns and access to public streets.
  - (d) Parking Area Location and Design in the RMU Districts: Shall not be located between the principal building and any Pedestrian Oriented Street.
  - (e) Minimum driveway stacking for commercial driveways providing access to parking lots over 20 spaces shall be 50 feet.

### **7.2.9 Minimum Off-Street Loading Standards**

- (1) Off-street loading shall be required for all commercial and industrial uses in all zoning districts.
- (2) Off-street facilities shall be provided and maintained for receiving and loading of merchandise, supplies, and materials within a building or on the premises.
- (3) Required off-street loading facilities may be adjacent to an existing public alley or private service drive, or may consist of a berth within a structure.

- (4) No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility.
- (5) The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.
- (6) Off-street loading spaces shall be screened in compliance with the provisions of Section 7.3.3 (4), Screening of Service, Loading, and Storage Areas.
- (7) Off-street loading space or truck berth may be either regular or large in size and shall be provided in accordance with the Table 7.2-9. Regular loading spaces shall be ten feet by thirty feet (10'X30'). Large loading spaces shall be ten feet by sixty-five feet (10' X 65).

Size of Commercial or Industrial Use	Minimum Regular Loading Spaces Required	Minimum Large Loading Spaces Required
Less than 5,000 sq.ft.	0	0
5,000 sq.ft. – 24,999 sq.ft.	1	0
25,000 sq.ft. – 49,999 sq.ft.	1	1
50,000 sq.ft. – 99,999 sq.ft.	2	1
Each additional 50,000 sq.ft.	1 additional	
Each additional 100,000 sq.ft.		1 additional

### 7.3 SCREENING AND FENCING STANDARDS

#### 7.3.1 Purpose

The purpose of these standards is to ensure that less intensive development is protected from negative effects that may occur when uses that are more intensive or structures are developed on adjacent sites through the use of non-vegetative screens or fences.

#### 7.3.2 Applicability

- (1) GENERAL: This section establishes minimum standards for screening and fencing for all new development and redevelopment in the City of Ennis as follows:
  - (a) All multi-family and non-residential development per Table 7.1-1 shall meet the standards in Section 7.3.3 on Non-Residential and Multi-Family Screening and Fences.
  - (b) All single-family residential development in subdivisions with Zoning Change approved or Preliminary Platted after the adoption of this Ordinance and per Table 7.1-1 shall meet Section 7.3.4 on Single Family Residential Screening and Fences.
- (2) PARCEL SPECIFIC: Screening and fence requirements in other sections or parcel-specific development approvals:

- (a) Any use that is required to provide screening pursuant to Section 5.2, Additional Use Standards, shall comply with such requirements. In the event of a conflict between the additional use standards and the requirements of this section, the additional use standards shall control.
  - (b) Any use that is required to provide screening or fencing pursuant to a parcel-specific ordinance, including PD or RMU zoning and/or approval conditions, shall comply with such requirements. In the event of a conflict between the parcel-specific zoning ordinance and/or conditions and the requirements of this section, the parcel-specific standards shall control.
- (3) SCREENING PLAN: Prior to the issuance of a building or construction permit for any use other than single-family or duplex dwellings, a screening plan reflecting all requirements under this section shall be submitted in conjunction with the Landscape and Buffering Plan per Article VIII at the time of site plan approval.
- (4) In all cases, parallel fences are prohibited. A parallel fence is a fence that runs in the same general direction of and is located within 5 feet of an existing fence or screening wall. To be considered a parallel fence, the fence does not have to maintain a precise constant distance from the existing fence.

### **7.3.3 Non-Residential and Multi-Family**

- (1) APPLICABILITY:  
Standards in this section shall apply to all development in the MF-1, MF-2, C, BP, CC, L-IM, H-IM, KC, and IC zoning districts.
- (2) SCREENING OF TRASH AND RECYCLING COLLECTION AREAS
- (a) All refuse facilities, including new refuse facilities placed on an existing development, shall be large enough to accommodate a trash dumpster that meets all City specifications, and shall be completely screened from view of public streets:
- i. Inground trash dumpsters are preferred and placement is to comply with City specifications. More placement options may be considered by staff due to the lower visual impact of inground trash dumpsters.
  - ii. Above-ground trash dumpsters must have screening on three sides by a minimum eight-foot masonry fence or wall. The opening shall include an opaque gate. Chain-link and wood gates are not permitted. Gates shall have tiebacks to secure in the open position. The container shall not be visible from public streets. The container shall not be placed in front of buildings and the placement shall be designed to minimize its visual impact on the site.
- (3) SCREENING OF SERVICE, LOADING, AND OUTDOOR STORAGE AREAS
- (a) All service areas in the MF-1, MF-2, C, BP, CC, KC, and IC zoning districts must be placed at the rear or side of the buildings.
- (b) All service areas in the L-IM and H-IM zoning districts must be placed at the rear or side of the buildings and screened from:
- i. Highways and Arterial streets, as indicated on the city's thoroughfare plan
  - ii. Any residential zoning district that abuts the lot

- (c) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full-size tractor-trailer shall provide a 48-foot wing wall, where wing walls are used.
  - (d) Screening and gates shall not be chain link (with or without slats) and wood.
- (4) The height of the device shall not be less than the height of the materials stored or eight feet (whichever is greater). All service areas including truck berths; loading

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docks; and areas designated for permanent parking or outdoor storage of heavy vehicles, equipment, or materials shall be screened.

(5) SCREENING OF GROUND MOUNTED AND ROOF MOUNTED UTILITY EQUIPMENT

- (a) Applicability: The standards of this section shall apply to all of the following:
- i. Air conditioning and heating equipment
  - ii. Ductwork used to heat, cool, or ventilate
  - iii. Swimming pool and spa pumps and filters
  - iv. Power systems, transformers, and generators for the building or site upon which the equipment is located
  - v. Similar installations as identified by the Administrator
- (b) The standards of this section are not intended to impede systems that use solar or wind energy to reduce the costs of energy, if such systems are otherwise in compliance with applicable building codes, city ordinances and zoning requirements.
- (c) Roof-Mounted Mechanical Equipment: shall be screened from view along the primary street frontage by a parapet wall or similar feature that is an integral part of the building or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- (d) Ground-Mounted Mechanical Equipment: shall be screened from view along the primary street frontage by landscaping or by a decorative fence that is compatible with the architecture and landscaping of the site. The fence shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- (e) Alternate Screening: Where site constraints or other design limitations are present, the Administrator may allow mechanical equipment that is not screened in full compliance with the screening standards of this section to use alternative screening methods through an Administrative Modification. Alternate screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment.

(6) SCREENING FROM RESIDENTIAL USES

- (a) Any commercial or industrial use or parking lot that has a side or rear contiguous to any single-family residential district, shall be screened with a fence (masonry and decorative concrete block may be approved at the time of Site Plan approval), six feet in height, in addition to any landscape buffers that are required by **Article VIII**. As an alternative, berms in conjunction with a minimum of a six-foot wrought iron fence (if there are no residential fences along the property line) and a combination of trees and shrubs can be utilized to meet the screening requirements if the Administrator determines that the proposed alternative will provide a similar appearance, height, and quality of screening. The screen shall be located at the property line of the commercial or industrial use. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.
- (b) Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be reviewed to determine whether or not:

- i. The screen will withstand the pressures of time and nature
  - ii. The screen adequately accomplishes the purpose for which it was intended
  - iii. Plans shall be sealed by a registered engineer or they shall conform to the city's standard design for screening walls including engineered footings
- (c) Such screen shall be constructed prior to the issuance of a certificate of occupancy for any building or portion thereof.
  - (d) The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the city.

### **7.3.4 Single Family, Duplex and Townhome Residential Fencing**

#### (1) APPLICABILITY

- (a) These standards are applicable in the A, RE, R-10, R-7, R-5, NC, D, TH, and MH zoning districts.
- (b) These standards shall also apply to Planned Development and Regional Mixed Use zoning districts unless alternative fence design standards are established through development specific ordinances.
- (c) Standards in Section 7.3.4 (2) are applicable to replacement and new residential fences.

#### (2) RESIDENTIAL FENCING TYPES

Residential fencing standards are divided into two main categories: perimeter fencing and privacy fencing. Perimeter fencing is required to be completely installed by the developer for the boundary of the approved final plat in the areas as set forth below in Section 7.3.4 (2) (a), prior to the issuance of a building permit. Privacy fencing is an option left up to the builder or homeowner, but if built it shall follow the standards in Section 7.3.4 (2) (b) and (c).

- (a) Subdivision Perimeter Fencing: In the interest of public safety and privacy, perimeter fencing, meeting the standards in this section, shall be required on lots where the rear and/or side yards are adjacent to a highway frontage road, arterial, or collector as identified on the city's most recently adopted Thoroughfare Plan. Along all other streets, perimeter fencing shall be optional, but if provided, standards in this section shall apply.
  - i. Height: Six feet minimum and eight feet maximum as measured from the highest adjacent grade within ten feet of the fence. In order to create variation in the design of the fence, at certain locations for no more than 10 percent of the total linear length of the fence, the height may be increased to 10 feet.
  - ii. Approved Materials: 100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any other sustainable material with more than 30-year life expectancy to give a long lasting, aesthetically pleasing appearance. Materials should preferably have a low maintenance factor and be complemented with landscaping, where appropriate.
  - iii. Any fencing along parks/open space shall meet the requirements of 7.3.4 (2) (d).

- iv. Structural footings of masonry fencing must be engineered.
  - v. Prohibited Materials: Chain link, vinyl, and wood fencing are prohibited.
  - vi. Design: Adjacent to major thoroughfares, the fence should be curved or angled at corner locations to accommodate appropriate visibility and add variety. Wall sections greater than 50 feet in length should incorporate at least one of the following design features that are proportionate to the fence length:
    - (i) A minimum one foot change in a fence, the fence should be curved or angled at corner locations to accommodate appropriate visibility Use of columns at 35-foot intervals;
    - (ii) Any other feature, approved by the Administrator that provides adequate relief from the monotony of a continuous fence
  - vii. Construction Standard: It is intended that all fences erected pursuant to this section be constructed in such a manner to last 30 years with minimal maintenance required during said period. As such, all fences required by this section shall conform to the following minimum standards:
    - (i) The Administrator and/or the Building Inspection Department shall approve plans and specifications for fences and foundations. Such plans and specifications shall be submitted at the same time as construction plans for other subdivision infrastructure improvements are required.
    - (ii) Fences shall be located on or within the private property and outside of the public right-of-way. Fences may be in an offset configuration as long as there is no encroachment into the right of way.
    - (iii) The material, color, and design of fences shall be as specified within an approved preliminary plat.
    - (iv) All fences shall be placed outside any utility easements unless otherwise allowed in writing by the utility company or franchisee.
  - viii. It shall be the responsibility of any person, firm, corporation or other entity who shall own or occupy any lot or lots on which a fence was constructed pursuant to the terms of this section to adequately maintain the fence and to prevent it from becoming dilapidated or unsightly, unless otherwise specified as the responsibility of a mandatory homeowners association or other entity. Failure to maintain a fence or screening wall shall be considered a violation of this Ordinance.
- (b) Privacy Fencing in A and RE zoning districts:
- i. Height: The height shall not exceed six feet measured from the highest adjacent grade within ten feet of the fence
  - ii. Approved Materials
    - (i) Post (metal, wood, or masonry) and rail (metal or wood) construction
    - (ii) Pipe and cable construction
    - (iii) Pipe rail
    - (iv) Woven wire
- Note: Structural footings of masonry fencing must be engineered.
- iii. Prohibited Materials

- (i) Barbed wire, except as allowed in A zoning districts
  - (ii) Electric fence (may only be located interior of a fence of approved materials)
- (c) Residential Privacy Fences on Lots zoned R-10, R-7, R-5, NC, D, TH, and MH: This section applies to replacement of residential fences or construction of new fences.
  - i. Height: shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.
  - ii. Approved Materials:
    - (i) Masonry (brick, stone, reinforced cement concrete) or any other sustainable material with more than a 30-year life expectancy (structural footings for masonry fences shall be engineered)
    - (ii) Ornamental metal rail fencing
    - (iii) Treated cedar and redwood
    - (iv) Composite fencing
    - (v) Other pressure/chemically treated wooden picket fences
  - iii. Prohibited materials:
    - (i) Vinyl
    - (ii) Sheet, roll, or corrugated metal
    - (iii) Cast off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence
  - iv. Location of Fence: Privacy fences may be located along the property line with the following exceptions:
    - (i) In the interest of public safety and considering fences shall not block any sight/visibility triangles on any corner lots per standards in Section 7.4.4 (4)
    - (ii) Any fence that is more than two feet high shall be set back at least five feet from the side property line of a corner lot. In the case of a reverse corner lot, any fence that is more than two feet high shall be set back at least 7.5 feet from the side property line
  - v. Orientation of Fence: When any fence or other screening device, whether required or not, is located on a lot adjacent to a public street, said fence or screening device shall orient the side with exposed posts or rails away from view from the adjacent public street.
- (d) Fencing Adjacent to Floodplains, Parkland or Designated Open Space: The following standards shall apply to all privacy fences where the rear and/or side yards share a common property line with a designated floodplain, open space or parkland.
  - i. Height: shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.
  - ii. Approved Materials:

- (i) Ornamental metal rail fencing with columns (brick or stone) or ornamental metal posts shall be used to provide at least 75 percent transparency.
- (ii) In the interest of privacy, homeowners may choose to plant vines or shrubs along the fence on their property.
- iii. Prohibited Materials:
  - (i) Chain link;
  - (ii) Wood;
  - (iii) Sheet, roll or corrugated metal; and
  - (iv) Cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.
- (e) Fences in the Front Yard: Shall not be permitted unless they are:
  - i. Permitted in the AG or RE zoning districts per Section 7.3.4(2)(b).
  - ii. A maximum of four feet in height and materials shall be limited to open wood picket fences, vegetative, or ornamental metal fencing only in all other zoning districts. Pickets must be a minimum of 2.5 inches apart.
  - iii. Located and designed to maintain adjacent intersection and driveway visibility in accordance with Section 7.4.4(4).

## 7.4 TRANSPORTATION AND CONNECTIVITY

### 7.4.1 Purpose

The purpose of this section is to support the creation of a highly connected transportation system within the city in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; reduce emergency response times; mitigate the traffic impacts of new development; and free up arterial capacity to better serve regional long-distance travel needs. These standards attempt to avoid the creation of large, isolated tracts without routes for pedestrian and bicycle connections and through traffic.

### 7.4.2 Traffic Impacts

The City Manager or designee may require a Traffic Impact Analysis (TIA) or other type of engineering study from the developer prior to any approval for plats or construction plans pertaining to the potential traffic impact of the proposed development on the city's street system. See the city's adopted Infrastructure Design Standards for applicability and subsequent requirements for TIA.

### 7.4.3 Streets

- (1) Street Improvements - In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required by the city's adopted Infrastructure Design Standards and as shown on the adopted Master Thoroughfare Plan. All street improvement requirements and right-of-way dedication shall be in accordance with the provisions of Section 212.904 of the Texas Local Government Code, as amended.
- (2) Improvement of Existing Substandard Streets.
  - (a) If the proposed development is located along only one side of a substandard street, and if the city makes a determination that it is not feasible to improve the full width of said substandard street at that time the city may require the developer to pay into escrow, in accordance with **Article IX: Subdivision Regulations** of this Ordinance, funds for the future improvement of the street as a condition of final plat approval for the development.
  - (b) The developer may request a waiver or may file a proportionality appeal if the requirements for improving an existing substandard street would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the city's street system.
- (3) New Perimeter Streets
  - (a) When a proposed residential or nonresidential development is developed abutting an existing or planned major thoroughfare, minor thoroughfare or collector street (as shown on the adopted Master Thoroughfare Plan), the developer shall construct the adjacent portion of the abutting street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the city's adopted Infrastructure Design Standards for that type of street. If the city makes a determination that it is not feasible to construct the abutting street and its appurtenances at that time, the city may require the

developer to pay into escrow, in accordance with **Article IX: Subdivision Regulations** of this Ordinance, funds for the future construction of the street as a condition of Final Plat approval for the development. A Plat will not be approved unless all of the proposed lots have safe and reliable street access for daily use and emergency purposes as determined by the City Engineer.

(4) New Internal Streets

- (a) All new streets and their appurtenances internal to a proposed residential or non-residential development shall, at a minimum, be built to a width and design which will adequately serve that development, and shall conform to the city's adopted Infrastructure Design Standards. If oversizing of an internal street is deemed necessary by the city to mitigate deficiencies unrelated to the proposed development or to provide for future development, then the city and/or the applicable Independent School District may participate in such oversizing costs as part of a Development Agreement with the developer. Development Agreement terms shall be in compliance with criteria outlined in **Article IX: Subdivision Regulations** of this Ordinance.
- (b) Streets that are shown on the city's adopted Master Thoroughfare Plan as through streets, but which temporarily dead end at power lines, railroads or similar rights-of-way shall be constructed for at least one-half the distance across these rights-of-way, or provision shall be made to place the construction cost for said improvements in escrow with the city in accordance with **Article IX: Subdivision Regulations** of this Ordinance.
- (c) When, in the Administrators through streets, is not feasible to construct an internal street or appurtenances to an internal street at the time of development of the subdivision, the city may require the developer to pay into escrow, in accordance with **Article IX: Subdivision Regulations** of this Ordinance, funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development.

#### 7.4.4 Street Connectivity

(1) Residential Streets

- (a) New developments shall provide street connections to adjacent developments, allowing access between developments for neighborhood traffic and to enhance pedestrian and bicycle connectivity as recommended in the Comprehensive Plan.
- (b) All residential subdivisions containing greater than 30 lots shall provide two points of access to provide adequate access for public safety. Where possible, the two points of access shall be from different streets.
- (c) The use of cul-de-sac streets shall be limited within new developments to the greatest extent possible. The Administrator shall have the authority to determine whether or not the use of cul-de-sacs in a development meets the intent of this Section during city review and consideration of the Preliminary Plat.
- (d) Traffic-calming techniques such as diverters, neck-downs, chicanes, raised crosswalks, and traffic circles are encouraged to reduce speeds and cut-through traffic.

(2) Vehicular Access to Public Streets and Adjacent Land

- (a) Frontage and access standards - All nonresidential lots established following the effective date of this Ordinance shall meet the following frontage and access criteria:
  - i. Frontage: All non-residential lots abutting an arterial or higher designation thoroughfare shall have a minimum 100 linear feet of street frontage. All non-residential lots abutting a collector or lower thoroughfare shall have a minimum of 50 feet of frontage. The minimum frontage requirement herein shall not apply to legally established lots of record or to lots platted before the effective date of this Ordinance.
  - ii. Curb cuts: All non-residential lots shall have access to the public street system by a driveway onto a public street or, in certain instances subject to review and approval by the Administrator, by a driveway onto a dedicated mutual access easement. Curb cuts shall be located in accordance with the Master Thoroughfare Plan, city's adopted Infrastructure Design Standards and other applicable ordinances, if any.
  - iii. Median openings: Median openings shall be located in accordance with the Master Thoroughfare Plan, city's adopted Infrastructure Design Standards and other applicable ordinances, if any. If direct access to a median opening is not available, lots shall have indirect access through a mutual access easement between adjacent properties. Such mutual access easement shall be indicated on the plat.
- (3) Driveways, Fire Lanes and Access Easements
  - (a) Standard Requirements

All driveway approaches, curbs, gutters, pavements and appurtenances necessary to provide access to properties shall be provided by the developer and shall be designed, constructed and maintained in accordance with standards in the city's adopted Infrastructure Design Standards and development specific ordinances in the PD or RMU Districts (as applicable to the subject property).
  - (b) Fire Lanes

Fire lanes are to be designed in accordance with the city's adopted Fire Code and Infrastructure Design Standards. Fire lane easements shall be shown on the Site Plan and shall be maintained to the city's standards by the property owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions shall not be allowed to proceed with vertical structural construction above the foundation prior to:

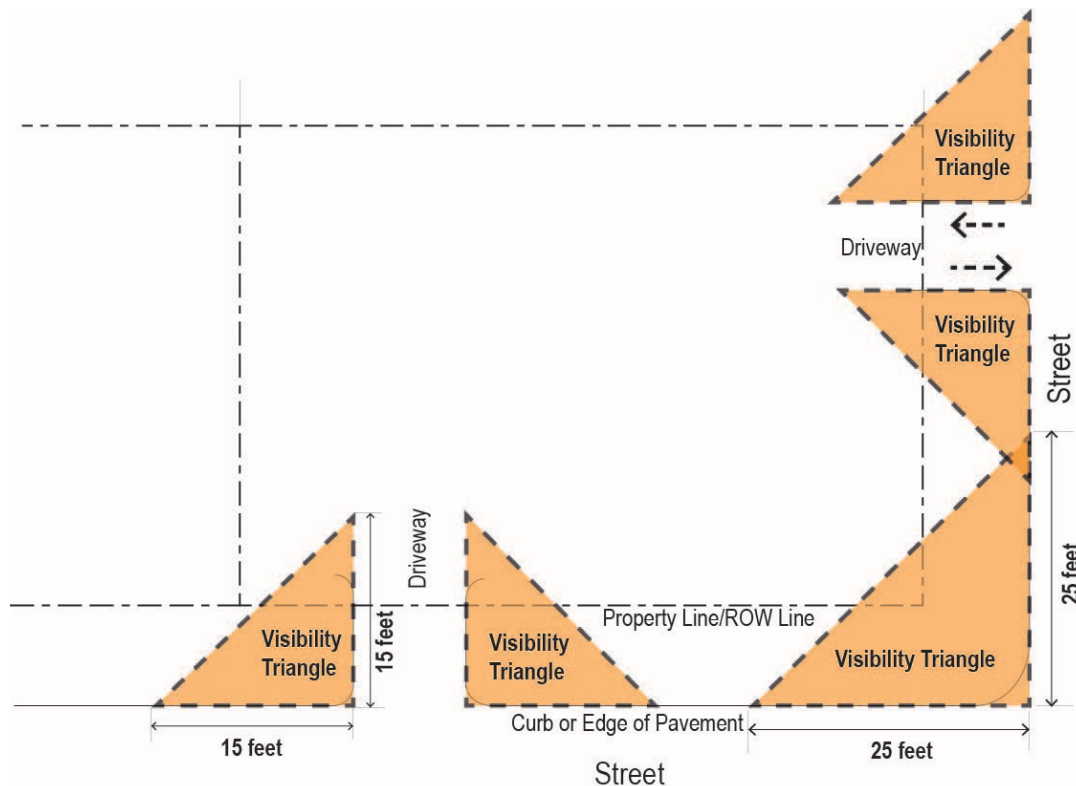
    - i. Completion and city inspection of all fire lanes and fire hydrants on the site
    - ii. Issuance of a Building Permit for the structure
  - (c) Access Easements: All non-residential development along highway frontage and arterial roadways shall provide cross access easements to adjoining properties unless grade issues prevent cross access connectivity.
- (4) Visibility at Intersections

On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the



triangular area formed by the adjoining driveway or street property lines between two and one-half (2-1/2) and eight feet above grade as specified in this section, except that trees may be permitted within said triangular area provided that those trees are placed in the street planter strip and the limbs are pruned to at least six feet above the grade level of the adjacent street.

- (a) TXDOT street and driveway intersections shall meet TXDOT sight visibility standards.
- (b) All other streets and driveway intersections shall meet the standards in Figure 7.4-4.



**Figure 7.4-4: Visibility Triangles**

#### 7.4.5 Sidewalks and Pedestrian Access

##### (1) Standard Requirements

- (a) Sidewalks shall be required along any street upon which a lot abuts, regardless of whether such lot faces, abuts on the side, or backs up to such street, or is separated from such street by an alley. Unless designated in an adopted city plan, sidewalks shall not be required along freeways and freeway frontage, or along any street abutting residential lots in zoning categories RE and other residential districts requiring lots larger than the minimum requirements of the RE District.
- (b) Sidewalks shall be constructed by the owner along all collector and arterial thoroughfares, and along all perimeter streets abutting the subdivision, regardless of whether such collector, arterial, or perimeter thoroughfare abuts a

lot, alley, or other space. Sidewalks shall be constructed along all collector and arterial thoroughfares and perimeter streets prior to the issuance of a certificate of acceptance for the subdivision by the city.

- (c) Sidewalks shall be constructed in accordance with the city's adopted Infrastructure Design Standards.
  - (d) The minimum width of sidewalks shall be four feet wide.
  - (e) To increase pedestrian safety and walkability, all sidewalks shall be located not less than 6-feet from the back of curb.
  - (f) Meandering sidewalks may be approved by the Administrator to preserve trees and create a more informal streetscape.
- (2) Residential Subdivisions
- (a) The developer shall construct all sidewalks along the street right-of-way adjacent to parks, open space, amenity centers, drainage ways, and other public or home-owners' association land. The developer is not responsible, however, for constructing a sidewalk along the frontage of any residential lot except for model home lots. The minimum width of sidewalks shall be four feet wide.
  - (b) The owner of a residential lot is responsible for the construction of all sidewalks along the frontage of the lot, including where such lot fronts on a collector thoroughfare, and along that portion of the lot that adjoins a street other than a collector or arterial. Such a sidewalk is not required on a lot until completion of the home i construction. Upon completion of the home, sidewalks shall be provided in accordance with the provisions contained herein. Authorization for occupancy shall not be granted until this requirement has been met.
  - (c) Exemptions. A residential lot that is platted as a single lot of record is exempt from this requirement unless:
    - i. Sidewalks are existing on one side of the lot
    - ii. The lot is located within 1,500 feet of a public or private school and is on the same side of the street
  - (d) Exemptions: sidewalk is not required on infill lots where sidewalk does not exist on either side of the lot because the subdivision was not originally platted with sidewalks.
- (3) Non-Residential and Multi-Family
- (a) All commercial, mixed-use, and industrial development shall provide a network of on-site pedestrian walkways with a minimum width of four feet to and between the following areas:
    - i. From entrances to each commercial building on the site, including pad site buildings to on-site parking areas and public sidewalks or walkways along the street
    - ii. Between buildings in developments with multiple buildings
    - iii. Public sidewalks or walkways on adjacent properties with boundaries shared with the subject development
  - (b) On-site pedestrian walkways and crosswalks shall be identified to motorists and pedestrians using one or more of the following methods:

- i. Changing paving material, patterns, or paving color, but not including the painting of the paving material
- ii. Changing paving height
- iii. Decorative bollards
- iv. Raised median walkways with landscaped buffers
- v. Stamped or stained concrete

**CITY OF ENNIS, TEXAS**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**Article VIII: Landscaping and Open Space Standards**

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UNIFIED DEVELOPMENT ORDINANCE  
Article VIII: Landscaping and Open Space Standards**

**8.1 APPLICABILITY OF THIS ARTICLE**

**8.1.1 General Applicability**

Table 8.1-1 shall establish the applicability of the different standards in this section.

Table 8.1-1 Landscaping and Open Space Standards Applicability Matrix			
■ = section applies    "blank cell" = section does not apply			
Section →	Landscaping & Buffering	Open Space	Comments
Development Request			
A. New Construction	■	■	
B. Change of use/expansion of existing use (with NO increase in building area)			
C. Any increase in value of improvements with NO increase in building area (interior remodel only)			
D. Expansion of Building Area			
i. 0% - 49% increase in building area 1. Standards in applicable sections shall apply only to the expansions	■	■	
ii. 50% or greater increase of building area 1. Standards in applicable sections shall apply to the site including retrofitting of the existing building and site, if non-conforming	■	■	City Commission may waive sections if it is unfeasible or impractical to retrofit the site through a Type II Site Plan process for non-single family residential sites.
E. Expansion of parking area only (not in conjunction with a building or use expansion)			
i. Up to 20 spaces			
ii. 21 or more additional spaces	■		

## 8.2 LANDSCAPING AND BUFFERING STANDARDS

### 8.2.1 Purpose

The standards of this section are intended to enhance the quality of development through the provision of appropriate landscaping and buffering. The landscaping regulations serve to safeguard and enhance property values while protecting public and private investment. The regulations encourage the preservation of the existing natural environment to aid in the stabilization of the environment's ecological balance whenever possible, and require property owners to provide landscape amenities, setbacks, and buffering that promote a positive image and pride for new development in the city. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design. The results of this effort will be to attract and maintain quality businesses and residential neighborhoods in the City of Ennis.

### 8.2.2 Applicability

- (1) GENERAL: This section establishes minimum standards for landscaping and buffering for all new development and redevelopment in the City of Ennis as follows:
  - a. All single-family residential development in subdivisions with zoning change approved or preliminary platted after the adoption of this Ordinance and per Table 8.1-1 shall meet the standards in Section 8.2.3 on Residential Landscaping and Buffering.
  - b. All multi-family, non-residential development, and mixed use development in the KC and RMU districts per Table 8.1-1 shall meet the standards in Section 8.2.4 on Non-Residential and Multi-Family Landscaping and Buffering.
  - c. All surface parking lots per Table 8.1-1 and with 20 or more parking spaces shall meet the standards in Section 8.2.5 on parking lot landscaping.
- (2) PARCEL SPECIFIC: Landscaping and buffering requirements in other sections or parcel-specific development approvals:
  - a. Any use that is required to provide landscaping or buffering pursuant to Section 5.2, Additional Use Standards of Article V, shall comply with such requirements. In the event of a conflict between the additional use standards and the requirements of this section, the additional use standards shall control.
  - b. Any use that is required to provide landscaping or buffering pursuant to a parcel-specific ordinance, including PD or RMU zoning and/or approval conditions, shall comply with such requirements. In the event of a conflict between the parcel-specific zoning ordinance and/or conditions and the requirements of this section, the parcel-specific standards shall control.
- (3) LANDSCAPING AND BUFFERING PLAN: Prior to the issuance of a building or construction permit for any development other than single-family or duplex dwellings, a landscape plan reflecting all landscaping and buffering required under this section shall be submitted in conjunction with a site plan application. The landscaping plan may be combined with any site plan, screening plan, grading plan, or other plan required for compliance with other sections of this Ordinance. A Landscape Plan shall include the information required as indicated in the checklist maintained by the Administrator. .

### 8.2.3 Residential Landscaping and Buffering Requirements

This section shall apply to all single family detached and attached residential uses.

- (1) FRONT YARD LANDSCAPING:

- a. Purpose: Landscaping should be selected and placed in the front yards of residences to soften the effect of the built environment and create attractive streetscapes. An arrangement of vegetation such as trees, shrubs, and grass, together with other suitable materials such as flowering plants, ground cover, mulch, etc., arranged in a complementary fashion, is desired.
- b. All residential lots shall have vegetation established per the requirements of this section prior to Certificate of Occupancy unless otherwise approved by Administrator because of weather conditions.
- c. Canopy Trees:  
Trees selected from **Article 8.2.6 Approved Planting List** shall be planted on all single family residential lots based on the zoning district as specified in Table 8.2-1.

Table 8.2-1 Canopy Trees in Residential Districts	
Zoning District	Number of Canopy Trees Required per Residential Lot
R-10	2
R-7	2
R-5	2
NC	1
D	2
TH	2
MH	2

(2) RESIDENTIAL STREETSCAPE STANDARDS

- a. Purpose: The intent of this requirement is to provide for safe walkable streets with continuous sidewalks and walkways.  
Applicability: This section is applicable to internal residential streets within any development single-family detached dwelling units.
- b. Walkways: Separate walkways that connect the front doorway or porch to the sidewalk and to the driveway are recommended. These walkways shall be at least four feet wide.

**8.2.4 Non-Residential and Multi-Family Landscaping and Buffering Requirements**

(1) APPLICABILITY:

- a. This section shall apply to all non-residential, mixed use, and multi-family development per Table 8.1-1 with the exception of development in the Kaufman Corridor district.
- b. In the Kaufman Corridor district, only the following sections shall apply:
  - i. Parking Lot Landscaping: for all development with off-street parking lots fronting arterial roadways only
  - ii. Landscape Buffer: for all development with off-street parking lots fronting arterial roadways only

- (2) **PARKING LOT LANDSCAPING:** Any non-residential surface parking area that contains twenty (20) or more parking spaces shall provide interior landscaping, in addition to the required landscaped street buffer, as follows:
  - a. Where an existing parking lot area is altered or expanded to add twenty (20) or more spaces or results in a parking lot of thirty (30) spaces or more, interior landscaping shall be provided on the new portion of the parking lot in accordance with this Ordinance.
  - b. All surface parking lots shall incorporate the required landscaping as follows:
    - i. Provide one (1) canopy tree for every ten (10) cars of parking provided
    - ii. Canopy trees shall be located in landscape islands in the parking lot
    - iii. Landscape islands shall be a minimum of one hundred and fifty (150) square feet in area
    - iv. All landscaped areas shall be protected by a raised concrete curb. The Administrator may approve a curbless design per iSWM (integrated Stormwater Management Manual, NCTCOG) standards
  - c. No paving shall be permitted within four (4) feet of the center of a tree trunk.
  - d. In order to preserve a protected tree on-site, the Administrator may authorize up to a ten percent reduction in the required number of parking spaces or ten percent compact parking spaces, through the Administrative Modifications process, if the Administrator determines that reduction in the number or size of certain parking spaces could preserve a protected tree that would otherwise be removed to provide for required parking.
- (3) **LANDSCAPE BUFFERS:**
  - a. All development with any off-street surface parking between any building and any highway, frontage road, or arterial roadway shall provide a landscape buffer that is based on the roadway frontage specified in Table 8.2-2. A landscape buffer shall not be required when the building is located in a zoning district requiring 10 feet or less of a front yard setback.

Street Frontage/Type	Minimum width of Landscape Buffer along the Roadway
Highway Frontage Road	10 feet
Arterial	8 feet

- b. The landscape buffer area shall consist of living trees, turf, or other living ground cover shall be provided adjacent/parallel to the right-of-way on all properties per Table 8.2-2.
- c. One (1) Canopy Tree, three-inch (3") caliper minimum, shall be planted on fifty foot (50') centers within the required landscape buffer area. A minimum of six (6) shrubs with a minimum size of five gallons (5 gal.) each will be planted in the landscaped area for each fifty feet (50') of linear frontage.
- d. Where a non-residential development is adjacent to the property line of residentially zoned parcels (single-family, townhouse, and multi-family uses), or areas shown as residential use categories on the Future Land Use Plan, one (1) Canopy Tree, three-inch (3") caliper minimum, shall be planted on forty-foot (40') centers in an eight-foot (8') wide landscape area adjacent to the residentially



zoned properties. Vegetation used for perimeter buffering shall be plants selected from **Article 8.2.6 Approved Planting List**.

### **8.2.5 General Landscaping Standards**

The following criteria and standards shall apply to landscape materials and installation:

- (1) All required landscaped areas shall be covered with living plant material. Mulch and other materials can be used around required shrub and tree plantings. Supplemental plantings, hardscape, or other design elements may be considered by the Administrator on a case-by-case basis. Landscape Plans must meet the minimum requirements of this Ordinance prior to approval. Other plant materials in excess of the quantities required in this Ordinance may be smaller than the required material.
- (2) Tree and plant materials shall be selected for energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, to achieve both an attractive environment and a desirable microclimate and minimize energy demand.
- (3) Trees and plants installed to satisfy the requirements of this section shall meet or exceed the plant quality and species standards of the North Central Texas SmartScape program.
- (4) Plants shall be nursery-grown and adapted to the local area. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects. No artificial plants or vegetation shall be used to meet any standards of this section.
- (5) New or proposed plant materials will be measured and sized according to the Texas Association of Nursery (TAN) standards.
- (6) The landscaping for every development shall consist of a combination of three or more of the following types of planting materials including, but not limited to grass, trees, shrubs, ground cover, and/or other forms of plant material.
  - a. Trees:
    - i. Canopy trees shall be of a minimum of three inches (3") in caliper as measured twelve inches (12") above natural soil level and seven feet (7') in height at time of planting.
    - ii. Canopy trees, measured from the center point of tree, shall be placed a minimum of three feet (3') from back of curb, sidewalks, utility lines, screening walls and/or other structures. Ornamental trees can be placed closer than three feet (3') with approval from the Administrator. Any reduction in spacing requires a root barrier approved by the city. Utility installation that includes common trench and conduit banks is exempt from the canopy tree planting distance requirements.
    - iii. Evergreen trees such as conifers intended for screening will have a minimum height of six feet (6') at the time of planting. Evergreen shrubs intended for required screening shall be a minimum of seven gallons (7 gal.) and be capable of attaining six feet (6') in height in two growing seasons.
    - iv. Ornamental trees may be substituted for canopy trees at the rate of two ornamental trees for each canopy tree. Ornamental trees will have a minimum size of one and one-half inch (1-1/2") caliper at the time of planting. This substitution shall not be allowed for required street trees.

- v. Trees shall be selected from **Article 8.2.6 Approved Planting List**.
  - vi. No single species of trees (canopy tree, evergreen tree, ornamental tree) shall represent more than 30 percent of the respective tree requirement.
- b. Tree Preservation Credits:
- i. Existing, healthy trees that are to remain in a living and growing condition may be used to satisfy the tree planting requirements. The Administrator shall consider the location, type and size of trees, their health, and the degree of protection received both during and after construction. Any credits for existing trees shall be indicated on the landscaping plan.
  - ii. Credit for existing trees shall be revoked if such trees are damaged due to, among other things, construction, broken branches, soil compaction or soil cut/fill.
  - iii. If existing trees are preserved, the minimum distance between parking spaces and the saved existing tree may need to be expanded, subject to approval by the Administrator.
  - iv. For the preservation of existing trees, extreme care shall be taken to prevent the compaction of soil and/or the placement of impermeable hard surfaces within the tree's dripline.
- c. Shrubs, Vines, and Grasses:
- i. Shrubs other than dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three feet (3') in height within one (1) year after planting or a minimum of two feet (2') in height at the time of planting.
  - ii. All shrubs intended for public, non-residential, or multi-family developments should be at least two gallons (2 gal.) or more.
  - iii. Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
  - iv. Ground covers used in lieu of grass must provide complete coverage within one (1) year of planting and/or growing season. Ground cover planting must provide and maintain adequate coverage.
- d. Ground cover:
- i. Grass may be sodded, plugged or sprigged except that solid sod shall be used in swales, berms or other areas subject to erosion.
  - ii. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting and/or growing season.
  - iii. Berms: Earthen berms, if used, shall not exceed a 3:1 slope; [three feet (3') of horizontal distance for each one foot (1') of height]. All berms will contain adequate drainage and preventive erosion measures. Berms will not include construction debris. Slippage or damage to the smooth finish grade of the berm must be corrected prior to any certificate of occupancy or acceptance of improvements.
- (7) SIGHT TRIANGLES: Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at driveway and street

intersections. Whenever a street or driveway intersects a public right-of-way, it shall meet the visibility requirements in Article VII.

### 8.2.6 Approved Planting List

- (1) The following plant list (see **Table 8.2-3**) shall be used to select plant materials as required by landscape standards in this Ordinance as well as city plantings in parkways and medians. The plants were chosen because they are native and/or are adapted to this region without being identified as a noxious weed, a prohibited exotic species, or an invasive plants (see website: [https://www.texasinvasives.org/invasives\\_database/](https://www.texasinvasives.org/invasives_database/)).
- (2) The appropriate plant for the specific location shall be selected by a registered landscape architect based on its mature size, growth habit, and soil, light, and water requirements. Other species that are drought tolerant and adaptive may be used for planting within the city. The use of alternative species may only be permitted with the approval of the Administrator.
- (3) The use of native plant material ensures the following:
  - a. Creates and maintains the unique character of Ennis
  - b. Ensures a native plant legacy
  - c. Limits water use
  - d. Reduces maintenance requirements
  - e. Promotes civic responsibility to support indigenous materials of the local ecology

<b>Table 8.2-3 – Approved Planting List</b>	
<b>Canopy or Shade Trees</b>	
<b>Common Name</b>	<b>Botanical Name</b>
Shumard Red Oak	<i>Quercus shumardii</i>
Live Oak	<i>Quercus virginiana</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Big Tooth Maple	<i>Acer grandidentatum</i>
Bald Cypress	<i>Taxodium distichum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Maple "October Glory"	<i>Acer rubrum</i> 'October Glory'
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Texas Ash	<i>Fraxinus texensis</i>
<b>Understory or Ornamental Tree</b>	
<b>Common Name</b>	<b>Botanical Name</b>
Possumhaw Holly	<i>Ilex decidua</i>
Texas Redbud	<i>Cercis Canadensis</i> var. <i>texensis</i>
Flameleaf Sumac	<i>Rhus lanceolate</i>
Shantung Maple	<i>Acer truncatum</i>
Desert Willow	<i>Chilopsis linearis</i>
Chitalpa Tashkentensis	<i>Chitalpa Tashkentensis</i>
Mexican Buckeye	<i>Ungnadia speciose</i>
Yaupon holly	<i>Ilex vomitoria</i>
Wax Myrtle	<i>Myrica cerifera</i>
Eve's Necklace	<i>Sophora affinis</i>
Indigo Bush	<i>Amorpha fruticose</i>

Mexican Plum	<i>Prunus Mexicana</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>
Western Soapberry	<i>Sapindus saponaria var. drummondii</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Mesquite Tree	<i>Prosopis glandulosa</i>
Evergreen Trees	
Common Name	Botanical Name
Cherry Laurel	<i>Prunus caroliniana</i>
Savannah Holly	<i>Ilex opaca X attenuata 'Savannah'</i>
Nellie R. Stevens Holly	<i>Ilex X 'Nellie R. Stevens'</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Shrubs	
Common Name	Botanical Name
Abelia 'Edward Goucher'	<i>Abelia x grandiflora 'Edward Goucher'</i>
Common Buttonbush	<i>Cephalanthus occidentalis</i>
Soft Leaf Yucca	<i>Yucca recurvifolia</i>
Texas Sage	<i>Leucophyllum frutescent 'Compacta'</i>
Dwarf Wax Myrtle	<i>Myrica cerifera var. pumila</i>
American Beautyberry	<i>Callicarpa americana</i>
Common Elderberry	<i>Sambucus nigra ssp. Canadensis</i>
Smooth Sumac	<i>Rhus glabra</i>
Green Cloud Texas Sage	<i>Leucophyllum frutescens 'Green Cloud'</i>
Swamp Rose	<i>Rosa palustris</i>
Yellow Bells	<i>Tecoma stans</i>
Texas Lantana	<i>Lantana urticoides</i>
Earth Kind Rose	<i>Rosa hybrida</i>
Autumn Sage	<i>Salvia greggii</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Tall to Medium Ornamental Grass	
Common Name	Botanical Name
Miscanthus 'Adagio'	<i>Miscanthus sinensis 'Adagio'</i>
Morning Light	<i>Miscanthus Miscanthus sinensis 'Morning Light'</i>
Indian Grass	<i>Sorghastrum nutans</i>
Lindheimer's Muhly	<i>Muhlenbergia lindheimeri</i>
Gulf Muhly	<i>Muhlenbergia capillaris</i>
Medium to Low Ornamental Grass	
Common Name	Botanical Name
Bushy Bluestem	<i>Andropogon glomeratus</i>
Mexican Feather Grass	<i>Stipa tenuissima</i>
Weeping Love Grass	<i>Eragrostis curvula</i>
Inland Sea Oats	<i>Chasmanthium latifolium</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Big Bluestem	<i>Andropogon gerardii</i>
Sideoats Grama	<i>Bouteloua curtipendula</i>
Mexican Feather Grass	<i>Stipa tenuissima</i>
Yaka Jima Silver Grass	<i>Miscanthus sinensis 'Yaku Jima'</i>
Turf Grass	
Common Name	Botanical Name
Buffalo Grass	<i>Bucheloe dactyloides</i>
Common Bermuda Grass	<i>Cynodon dactylon</i>
Groundcovers and Vines	
Common Name	Botanical Name

Coral Honeysuckle	<i>Lonicera sempervirens</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Purple Wintercreeper	<i>Euonymus fortune 'Coloratus'</i>
Texas Wisteria	<i>Wisteria frutescens</i>
Crossvine	<i>Bignonia capreolata</i>

**8.2.7 Irrigation Standards**

- (1) RESPONSIBLE PARTY: The owner shall be responsible for the health and vitality of plant material through irrigation of all landscaped areas, turf and plant materials, and shall:
  - a. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
  - b. Be in place and operational at the time of the landscape inspection for certificate of occupancy.
  - c. Be maintained and kept operational at all times to provide for efficient water distribution.
- (2) IRRIGATION METHODS:
  - a. Landscaped areas – One of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:
    - i. Conventional system – An automatic or manual underground irrigation system which may be a conventional spray or bubbler type heads.
    - ii. Drip or leaky-pipe system – An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky-pipe system.
    - iii. Temporary and aboveground watering – Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first two growing seasons only.
  - b. Natural Areas and Undisturbed Areas: No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
  - c. Compliance with state law – All irrigation systems shall comply with all applicable state laws (including rain and freeze shut-offs), as may be amended.

**8.2.8 Landscape Maintenance**

The owner, property manager, tenant and their agent, if any, shall be jointly responsible for the maintenance of all required landscaping. All required landscaping shall be maintained in a healthy and growing condition as is appropriate for the current season. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. Plant materials which die shall be replaced with plant material of similar variety and size of materials that died within 30 days or as approved by the Administrator due to weather conditions.

## 8.3 OPEN SPACE STANDARDS

### 8.3.1 Purpose

Common open spaces are set aside for the use and enjoyment of a development's residents, employees, or users. Common open space serves numerous purposes, including preservation of natural areas and resources, ensuring greater resident access to open areas and recreation, reducing the heat island effect, enhancing stormwater quality, and providing public health benefits.

### 8.3.2 Applicability

All development subject to this article shall set aside the following minimum amounts of land area as common open space that meets the standards of this section unless alternative standards are established as part of a PD or RMU development ordinance for a specific development.

- (1) For multi-family development with more than forty units: at least five (5) percent of the total gross site area.
- (2) For non-residential and mixed-use buildings or developments with a gross floor area or cumulative area greater than 40,000 square feet: five (5) percent of total gross site area.

### 8.3.3 Common Open Space Standards

- (1) GENERAL: The following shall be credited toward the common open space requirement:

- a. Natural Features:

- i. Shall include any of the following:

- (i) Creeks, flood plains, buffer zones, and conveyance areas
    - (ii) Water features, including wetlands, and lakes
    - (iii) Retention/detention and drainage channels areas that are enhanced
    - (iv) Hillsides and exposed slopes of more than 15% slopes
    - (v) Wildlife habitat areas for threatened and endangered species

- ii. Design and Maintenance Requirements:

- (i) Where natural features exist, the developer or owner shall give priority to their preservation as common open space. Placement of a conservation easement over the protected natural feature areas is encouraged.
    - (ii) In reviewing the proposed location of common open spaces, the Administrator shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected.
    - (iii) Maintenance of natural areas should be limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

- b. Active Recreational Areas:

- i. Shall include any of the following:

- (i) Pocket Park/Playgrounds
    - (ii) Sports Complex/Ball Fields/Tennis Courts
    - (iii) Trails and Pathways

- ii. Design Requirements

- (i) In no case shall active recreation constitute more than 25% of the total common open space area within a residential or mixed-use district.

- (ii) Land shall be compact and contiguous unless the land is used to link to an existing or planned open space resource.
    - (iii) Minimum frontage of the open space along a public street shall be based on the type of open space per Table 8.3-1. Landscaping shall be planned along all rights-of-way to provide a buffer to surrounding areas.
  - c. Plazas and Neighborhood Parks
    - i. Includes any of the following:
      - (i) Neighborhood Park
      - (ii) Pocket Park, Community Garden or Playground (even if located with a school facility)
      - (iii) Community Park
      - (iv) HOA/Private Park
      - (v) Squares, forecourts or plazas
    - ii. Design Requirements
      - (i) For size and design requirements, see Table 8.3-1: Palette of Open Space Types
      - (ii) Surrounding buildings shall be oriented toward the square, forecourt, or park when possible and a connection shall be made to surrounding development
  - d. The following may not be credited toward the open space requirement:
    - i. Property within the rear yard
    - ii. Vehicular paving
    - iii. Required parking lot landscape islands
    - iv. Building footprint
    - v. Utility yards
    - vi. Required landscape buffers
    - vii. Retention/detention and drainage channels with no amenities associated
- (2) PALETTE OF OPEN SPACE TYPES: Land set aside for required common open space shall meet the standards in Table 8.3-1 which provides a summary of Open Space Types and associated standards.

Table 8.3-1 Palette of Open Space Types					
Open Space Type	SIZE			Min. Perimeter Frontage along a public street (%)	Frontage Orientation
	Min. (acres)	Max. (acres)	Min. dim. (ft)		
Public or Private Open Space Types					
Regional Multi-purpose Open Space	2	4	NA	50%	None
Neighborhood Park	4	10	NA	50%	None
Pocket Park	0.25	3	NA	25%	None
Green	0.25	3	25' (width)	60%	Mid-block or street intersection, but in front of buildings
Square	0.25	3	25' (width)	60%	Mid-block or street intersection, but in front of buildings
Plaza	0.1	1	25' (width)	25%	Street intersection or vista terminus or at the entrance to a public/civic building
Pocket Plaza	300 sq.ft.	.1	15' (width)/ 20' max.	25%	Main or side building entrance
Streetscape Plaza			15' (width)	25%	Street intersection or terminated vista
Pedestrian Passage or Paseo	NA	NA	15' (width)	NA	None
Multi-use Trail	NA	NA	12' (width)	None	None
Greenway	1	NA	30' (width)	None	Along a creek or other natural feature
Family-friendly Play Area	400 sq.ft.	NA	20' (width)	None	None
Forecourt	NA	NA	25' (width)	50% of the building's frontage along that street	Mid-block
Courtyard	650 sq.ft.	NA	25' (width)	NA	None

- (3) GENERAL DESIGN STANDARDS FOR COMMON OPEN SPACE: In addition to meeting the standards in Table 8.3-1, land set aside for required common open space shall meet the following standards:
- a. Location: Where appropriate, open space shall be located to be readily accessible and useable by residents and users of the development. To the maximum practical extent, a portion of the open space should provide focal points for the development.
  - b. Configuration
    - i. The lands shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.
    - ii. Where open areas, trails, parks or other open space resources are planned or exist adjacent to the development, the open space shall, to the maximum



- extent practical, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.
- c. Orientation of Adjacent Lots and Buildings
    - i. Lots and buildings adjacent to required open space, not including perimeter landscape buffers, shall have at least one entrance facing the open space.
    - ii. Provision in Multi-Phase Developments:
      - (i) Development proposed in phases shall be considered as a single development for the purposes of applying the open space requirements.
      - (ii) Open space requirements and improvements shall also be phased proportionally with the development phases.
      - (iii) Development shall not be phased in such a manner as to place the burden of all the open space provision to the last phase.
  - d. Landscaping: Section 8.2 shall apply unless an alternative landscaping plan has been approved in conjunction with a City Commission approved Concept Plan or Development Plan.
- (4) DETENTION OR RETENTION PONDS AND DRAINAGE WAYS
- a. A detention or retention pond and drainage ways may count toward the open space requirement only if it meets the following:
    - i. Ponds located between the building and the street or in the front yard of the development
    - ii. Ponds viewable from public space or street
    - iii. At least 60% of the slope of the pond area does not exceed a 5 (horizontal):1 (vertical) slope
    - iv. Ponds and drainage ways accessible to the public
  - b. Detention or retention ponds and drainage ways must include the following amenities to be considered toward the usable open space requirement:
    - i. Seating area, public art, or fountain, trails/sidewalks and
    - ii. One tree or planter at least sixteen (16) square feet for every four (400) hundred square feet of open space, and be located within or adjacent to the detention or retention pond or drainage way

**CITY OF ENNIS, TEXAS**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**Article IX – Subdivision Regulations**

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**CITY OF ENNIS, TEXAS**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**Article IX – Subdivision Regulations**

## **9.1 GENERAL PROVISIONS**

### **9.1.1 Title**

This article is known as the Subdivision Regulations of the City of Ennis.

### **9.1.2 Purposes**

The purposes of these regulations are:

- (1) To protect and provide for the public health, safety, and general welfare of the community by promoting sustainable development of the area both within the city and within its extraterritorial jurisdiction.
- (2) To guide the future growth and development of the city in accordance with this Ordinance, Ennis' Comprehensive Plan, and any adopted constituent elements, and all other development-related ordinances of the city.
- (3) To promote safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To ensure that public and private development are served by adequate public facilities and services with sufficient capacity for efficient transportation, water, sanitary sewer, drainage, and other public requirements and facilities, and that the development bear its fair share of the cost of providing the facilities and services.
- (5) To establish policies governing traffic flow and safety on street facilities, minimize traffic congestion, improve traffic safety and flow, and ensure that traffic generated from the proposed development can be adequately and safely served by the existing and future street system.
- (6) To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and monumenting of platted land.
- (7) To minimize the pollution of streams and ponds; to provide for the adequacy of drainage facilities; to control stormwater runoff; to minimize erosion and siltation problems; to safeguard the water table; to encourage the wise use and management of natural resources; and enhance the stability and beauty of the community and the value of the land.
- (8) To remedy the problems associated with illegally subdivided lands and/or previously platted lands, including premature subdivision, incomplete subdivision, or scattered subdivision of land.

### **9.1.3 Applicability**

- (1) The owner or proprietor of any tract of land who desires to subdivide land (i.e., to create a "subdivision") shall submit a plat of the subdivision to the Administrator.
- (2) No person shall subdivide land without making and recording a plat and complying fully with this article, and the subdivision procedures in **Article III: Review Procedures**.
- (3) No person shall sell or transfer ownership of any lot or parcel of land by reference to

a plat of a subdivision before the plat is duly recorded with Ellis County, unless the subdivision was created prior to the adoption of this article.

- (4) The following are allowed only if they conform to this Ordinance:
  - (a) The issuance of a development approval or certificate of occupancy for any plat, map, or plan that was created prior to subdivision approval under this Ordinance.
  - (b) The issuance of a development approval or certificate of occupancy for any parcel or plat of land that was created by subdivision after the effective date of this Ordinance.
  - (c) The excavation of land or construction of any public or private improvements.
- (5) A subdivision plat is not required for any of the following:
  - (a) The public acquisition by purchase of strips of land for the widening or opening of streets.
  - (b) In accordance with Section 212.004(a) of the Texas Local Government Code (TXLGC), a division of land under this article does not include a division of land into parts greater than five (5) acres where each part has access and no public improvement is being dedicated.

## 9.2 Platting Requirements

### 9.2.1 Division of Property

- (1) Every owner of any tract of land who divides the tract into two or more parts shall cause a plat to be made, which accurately describes and locates the entire tract by metes and bounds as required in this Article.
- (2) A division of a tract under this Ordinance includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- (3) No plat may be recorded and no transfer of title to any part of a tract of land shall be made until a plat, accurately describing the property to be conveyed, is approved in accordance with these provisions and recorded.

### 9.2.2 Permits for Construction Activity or Public Improvements

- (1) Except as provided in Section 9.1.3: Applicability, and remaining in the same configuration, the Administrator shall not issue permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record.
- (2) Upon written request from the developer, the Administrator may allow the construction of public improvements prior to plat recording with accepted plans and development agreements.
  - (a) In order for the request to be granted, the developer must demonstrate that an inability to record the plat within a reasonable timeframe is the result of recording requirements that do not have a substantive impact upon the development of the land.
  - (b) If the city allows the development of public improvements prior to plat recording, the city shall not accept those improvements until a plat is filed of record.

- (3) No building permit shall be issued nor shall any public utility service be provided for land without a plat as required by this article unless exempt under TXLGC 212.

### 9.2.3 Guiding Policies for Administration of this Article

Proposed plats or subdivisions that do not conform to the purposes listed above and the following policies and regulations shall be denied. In lieu of being denied, the City may approve the subdivision subject to the guiding policies in this section. These regulations shall be administered in accordance with the following policies:

- (1) Conformity with Comprehensive Plan: Plats and proposed public improvements shall conform to the City's Comprehensive Plan and any adopted constituent elements, including the Master Thoroughfare Plan, and all other plans or development related ordinances of the city.
- (2) Conformity with Unified Development Ordinance: No subdivision shall be approved unless it complies with all applicable zoning, design, and development regulations set forth in this Ordinance, including but not limited to:
  - (a) The requirements of the zoning district in which the property is located (See **Article IV: Zoning Districts**)
  - (b) The requirements relevant to specific uses (See **Article V: Use Standards**)
  - (c) Generally applicable development and design standards (See **Articles VI, VII, and VIII**)
- (3) Sites and Access for Comprehensive Plan Elements: Adequate sites and convenient access for schools, parks, playgrounds, and other community services indicated in the City's Comprehensive Plan and all applicable ordinances shall be provided in accordance with the intent, policies, and provisions of this Ordinance.
- (4) Developer Responsibility: The developer is responsible for the accuracy of all information furnished in the design of facilities as they pertain to both the proposed development and other properties affected by the proposed development. The City's concurrence in the design does not relieve the developer of this responsibility.
- (5) Effect of Development on General Welfare: The nature, shape, and location of land to be platted or developed shall enable it to be used without danger to health or increased risk of fire, floods, erosion, stormwater pollution, landslides, or other menaces to the general welfare.
- (6) Applicability in the ETJ – The standards in Article shall apply to all subdivision in the city's Extra Territorial Jurisdiction (ETJ) subject to the provisions in TXLGC Chapter 212 as amended.

### 9.2.4 Incorporation of Infrastructure Design Standards

The city's adopted infrastructure design criteria and construction standards for public improvements are hereby incorporated and collectively referenced as the Infrastructure Design Standards. The Infrastructure Design Standards shall be maintained in the Public Works office and are available upon request.

## 9.3 ADEQUATE PUBLIC FACILITIES AND DEDICATION REQUIRED

### 9.3.1 Provision of Adequate Public Facilities

Each subdivision shall provide adequate public facilities. Adequate public facilities shall include adequate water, sanitary sewer, drainage, and transportation facilities necessary to serve the proposed development, whether or not the facilities are to be located within the property being platted or offsite.

### 9.3.2 Criteria for Adequate Public Facilities

Public facilities are considered adequate if they meet the minimum level of service established in the appropriate sections of this Ordinance and the following standards:

- (1) **Street Access:** All platted lots shall have safe and reliable street access for daily use and emergency purposes. All platted lots shall have direct access to a paved public street, private street, or an approved access easement. (See Section 9.4.1: Street and Right-of-Way Requirements).
- (2) **Water:** All platted lots shall be connected to a public water system that provides water for health and emergency purposes. The water system shall be consistent with the City of Ennis water system plan and all adopted city codes and ordinances and Infrastructure Design Standards.
- (3) **Wastewater/Sanitary Sewer:** All platted lots shall be connected to a public sanitary sewer collection and treatment system where available. On-site sanitary sewer treatment systems shall only be permitted if no public sanitary sewer is available within 1,000 feet of the property and shall meet the city's adopted standards for on-site sanitary sewer. The sanitary sewer system shall be consistent with any adopted Wastewater System Model and Master Plan and Infrastructure Design Standards of the City of Ennis, as amended. (See Section 9.4.4: Water and Wastewater Utilities).
- (4) **Drainage and Stormwater Management:** Drainage and stormwater facilities are adequate when (See Section 9.4.5: Drainage and Environmental Standards):
  - (a) Stormwater runoff attributable to new development or redevelopment complies with the minimum standards of this Ordinance and the city's Infrastructure Design Standards and iSWM Criteria Manual.
  - (b) To the maximum extent practicable, permanent Best Management Practices (BMPs), as described in the iSWM Criteria Manual as adopted by the city, shall maintain the predevelopment characteristics of any natural creek that ultimately receives stormwater runoff from the development.
- (5) **Electricity:** All platted lots shall have access to a public utility that provides electricity for retail consumption.
- (6) **Telecommunications:** All platted lots shall have access to a public utility that provides telecommunications for retail consumption.

### 9.3.3 Dedication Statement

DEDICATION STATEMENT (to be used in all instances)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS; THAT (OWNER'S NAME) ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS (SUBDIVISION NAME), AN ADDITION TO THE CITY OF ENNIS, TEXAS AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE

FOREVER, THE STREETS, ALLEYS, AND PUBLIC USE AREAS SHOWN HEREON, AND DOES HEREBY DEDICATE THE EASEMENTS SHOWN ON THE PLAT FOR THE PURPOSES INDICATED TO THE PUBLIC USE FOREVER, SAID DEDICATIONS BEING FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS SHOWN HEREIN. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS ON SAID PLAT. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO A PARTICULAR UTILITY OR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF ENNIS' USE THEREOF. THE CITY OF ENNIS AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENTS AND THE CITY OF ENNIS ON ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEM WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (OWNER'S NAME) DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO FOREVER WARRANT AND DEFEND ALL AND SINGULAR THE ABOVE DESCRIBED STREETS, ALLEYS, EASEMENTS, AND RIGHTS UNTO THE PUBLIC AGAINST EVERY PERSON WHOMSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF ENNIS.

WITNESS MY HAND THIS DAY OF, 20 \_\_ .

Signature of Owner

\_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_

Signature of Lienholder (if applicable)

\_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_

If there is no lien holder, add the following statement:

To the best of my knowledge, there are no liens against this property.

\_\_\_\_\_



Signature of Owner

#### 9.3.4 Dedication Required

- (1) Generally: Property necessary for the orderly development of streets, roadways, thoroughfares, utilities, stormwater facilities, or other public purposes shall be dedicated to the City as required by this Ordinance and in accordance with the Comprehensive Plan, the Master Thoroughfare Plan, and other adopted plans. Dedication of and acceptance by the City of the property is a condition of plat approval.
- (2) Proportionality Required: The dedication requirements for a specific plat shall be roughly proportional to the projected impact of the proposed development and shall be determined as set forth in Section 212.904 of the TXLGC.
- (3) Property Owners' Association
  - (a) Property Owners' Association Allowed: When a subdivision contains common areas, drainage ways, screening walls or other facilities not located within the public right-of-way nor subject to city maintenance, or if landscaping, sidewalks, or other amenities are provided within the public right-of-way for which a license agreement is required by the city, a property owners' agreement, as evidenced by the covenants establishing the association, shall be placed on the plat. Such homeowners' agreement (the covenants, conditions and restrictions) shall be approved as part of the preliminary plat process and shall be filed of record prior to recording of the Final Plat.

The City Attorney will review the association documents as to form. The following six (6) statements shall appear on the face of the plat and in a single article in the association's covenants, conditions and restrictions:

- i. The owner of fee simple title to every individual lot of land within the subdivision must be a member of the homeowners association.
- ii. The homeowners association must have the authority to collect membership fees.
- iii. The homeowners association must be responsible for the maintenance of all common areas and screening walls.
- iv. The homeowners association must grant the city the right of access to common areas to abate any nuisances thereon, and attach a lien for the prorated cost of abatement upon each individual lot.
- v. The homeowners association shall indemnify and hold the city harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise including attorney's fees and costs of suit, in connection with the City's maintenance of common areas.
- vi. The homeowners association shall enter into a license agreement with the City of Ennis where additional right-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are in the public right-of-way.

- (b) Alternative Funding Mechanisms: If a property owners' association fails to collect reserve funds to maintain property such as private streets, access easements, privately-maintained drainage features, or pools, the city may assess property owners within the subdivision served by the amenity or facility the costs associated with addressing matters of public safety.
- (4) Platting Exemptions for Single Tracts Prior to Construction: Any owner of an unplatted single tract of land shall submit for approval and have filed of record a plat of the tract prior to the commencement of construction or issuance of a building permit. However, nothing in these regulations requires a plat to be approved and recorded as a prerequisite to construction under the following conditions:
  - (a) The tract is zoned residential in accordance with **Article IV: Zoning Districts**, and the construction is for any of the following purposes, and the addition or alteration conforms with the Unified Development Ordinance:
    - i. Adding to or altering an existing lawfully conforming single-family building or structure
    - ii. Adding a fence on the tract
    - iii. Adding an accessory building or structure to an existing lawfully conforming single-family use
  - (b) The tract is not zoned residential as noted above or is zoned residential but contains a permitted non-residential land use, the construction is for any of the following purposes, and the alteration conforms with the Unified Development Ordinance:
    - i. Adding an accessory building to an existing lawfully conforming use on the same tract
    - ii. Adding a fence on the tract
    - iii. Remodeling or altering an existing commercial or industrial building
    - iv. Adding a wireless communications antenna to an existing utility transmission tower or existing telecommunications tower
    - v. Any improvement that does not create infrastructure impacts or more intensive development than the exceptions listed above

## 9.4 DESIGN STANDARDS

### 9.4.1 Street and Right-of-Way Requirements

- (1) Basic Policy: The following general requirements apply to all plats.
  - (a) Streets and right-of-way shall conform to any adopted Master Thoroughfare Plan, as amended, the city's Infrastructure Design Standards and the standards in this Ordinance.
  - (b) An adequate off-site street and thoroughfare system shall be designed and constructed in order to:
    - i. Provide for streets of suitable location, width, or other improvements to accommodate existing traffic, traffic anticipated from the development, and traffic anticipated from other developments impacting the same roadways.
    - ii. Afford satisfactory access to adjoining properties.
    - iii. Accommodate police, firefighting, sanitation, and street maintenance

- equipment.
- (c) The proposed streets of the development shall effectively relate to the present and future street system and to the development of the surrounding area in order to assure continuity of thoroughfares, coordination of intersections, the limitation of median breaks, and the promotion of livable neighborhoods.
  - (d) The plat shall provide for appropriate continuation or termination of any existing streets, whether constructed or dedicated, which extend to the limits of the proposed subdivision.
  - (e) Adequate provision of access to adjoining lands shall be made.
  - (f) The developer shall design and construct adequate roadway facilities, whether on- site or off-site.
  - (g) The developer shall be responsible for all costs associated with meeting the requirements of this article.
- (2) Adequacy of Offsite Roadway Network Required
- (a) Adequacy Required: Prior to plat approval, the Administrator shall determine whether the roadway network serving the development to be platted has adequate capacity to accommodate existing traffic, traffic reasonably anticipated from the development, and traffic reasonably anticipated from other developments approved or to be approved within a reasonable period. The standards for compliance with this requirement are set out in subsections (b) through (d), below. The Administrator's determination shall be based on information provided by the developer in the plat application and supporting studies, unless the study is waived.
  - (b) Analysis of Adequacy
    - i. For any property submitted for platting that meets the criteria contained in Section 9.3 Adequate Public Facilities and Dedication Required, the developer shall provide, at the developer's expense, a traffic study that analyzes the adequacy of the roadway network to serve the development.
    - ii. Adequate capacity of the roadway network shall be determined as described in the City's adopted Master Thoroughfare Plan and/or Infrastructure Design Standards.
  - (c) Determination of Adequacy: The roadway network shall be considered adequate if:
    - i. There is sufficient capacity on each existing and proposed link and intersection of the network
    - ii. The roadway conditions are adequate for each existing link and intersection of the network
  - (d) Determination of Inadequacy: In the event that the traffic study shows a result of a level of service "D", "E", or "F", as defined in the Highway Capacity Manual, or the Administrator or City Engineer determines that the off-site roadway network serving the development to be platted is not adequate, the following shall be provided:
    - i. Proposed solutions to the transportation issues resulting from the proposed development
    - ii. The degree of local congestion

- iii. The availability of alternate routes to service the increased traffic
- iv. The degree to which the increased congestion is attributable to the applicant's project
- (e) After the information is reviewed, the city may:
  - i. Disapprove the plat
  - ii. Require that development of the property be phased to coordinate the timing of building permits with the provision of adequate capacity
  - iii. Require the developer, in lieu of denial or phasing of the plat, to construct off-site and/or on-site improvements to City standards or as otherwise permitted by the Administrator to provide adequate capacity for the roadway network. Construction may be required to use standards in excess of any adopted Master Thoroughfare Plan or city Infrastructure Design Standards if warranted based on the available capacity and proportional impact of the proposed development.
- (3) Traffic Study Requirements
  - (a) Traffic Study Submittal: The traffic study shall be prepared in accordance with the criteria established in the city's Infrastructure Design Standards.
  - (b) Acceptance of Traffic Study: Prior to forwarding any plat to the Planning and Zoning Commission (P&Z), the traffic study shall be accepted by the city. The acceptance of the traffic study will be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the consistency of the study with the proposed access and development plan.
- (4) Requirement for Access to the Street Network
  - (a) Acquisition of Access Required: The developer shall acquire right-of-way and/or necessary easements and construct any offsite roadways and/or access ways necessary to connect the development with an adequate offsite, existing city roadway network.
  - (b) Residential Access Limited
    - i. Arterial Streets: No single-family, townhouse, or duplex residential development shall have direct access to an arterial street unless no other means of access is available. In cases where access is permitted to an arterial street, a private access easement adjacent to the thoroughfare is required. Any lot that has direct access to an arterial street is required to provide head-out egress.
    - ii. Collectors: Single-family, duplex, and townhouse residential lots may have direct driveway access to collectors if the following development standards are complied with:
      - 1. An additional setback of 10 feet shall be required along the Collector Street frontage. The setback shall be measured from the ultimate ROW of the Collector Street as identified in the adopted Master Thoroughfare Plan.
      - 2. Driveway separation may be allowed only with a minimum of 240 feet separation with shared driveways.
  - (c) Private Access Easements: To the maximum extent practicable, private

access easements shall be required between and/or across any non-residential lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of the easement shall be in accordance with the city's Infrastructure Design Standards. A note shall be provided on the plat indicating the lots served by the private access easement. The minimum width of a private access easement shall be 20 feet. The easement shall be increased to 24 feet when it functions as a required fire lane. For 24-foot and 22-foot local standards, private access easements are required to provide rear access to residential lots. For this use, the private access easement width may be reduced by the Administrator if not needed for fire access..

- (d) Maintenance of Private Access Easement: Maintenance of any private access easement is the responsibility of the property owner or property owner's association, as applicable. When an easement is created by plat, a maintenance note as approved by the Administrator shall be added to the plat acknowledging maintenance responsibility. When the easement is created by separate instrument, the maintenance responsibility shall be acknowledged with the separate instrument.
  - (e) Adequate Access: Each single-family residential subdivision shall have at least two constructed points of public ingress and egress, except:
    - i. When 30 or fewer residential units are constructed with one point of street ingress and egress.
    - ii. The Administrator may approve up to 40 units with one point of access when requested. In evaluating a request, the Administrator shall consider factors including the timing of construction of other public improvements that provide a second point of access, public safety, and convenience, especially if undeveloped property is adjoining the subdivision and future stub streets are provided.
    - iii. The City Commission may grant a waiver to these regulations for more than 40 units with one point of access only when unique topographic or infill circumstances exist.
  - (f) Stub Streets Required: Street stubs for future connections shall be required to any adjoining undeveloped property at a minimum spacing of 1,000 feet. A street stub for a future connection may provide the justification for the waiver of the Adequate Access (see (e) above) requirement.
- (5) Street Layout Requirements
- (a) Intersections
    - i. Intersection Offsets
      - 1. No street intersecting an arterial or collector street shall vary from a 90 degree angle of intersection by more than 10 degrees.
      - 2. The number of collector or local street offsets shall be minimized. However, when approved by the Administrator because no other reasonable alternative exists, a minimum centerline offset distance of 125 feet shall be maintained.
      - 3. There shall be a minimum of 600 feet between intersections of arterials or collector type streets.

- ii. Arterial streets shall be intersected only by collector streets or other arterial streets, unless the only means of ingress and egress to a subdivision is from the arterial street. In this event, the local street intersection may be required to be configured to accommodate stacking and turning traffic with a flared intersection per the city's Infrastructure Design Standards. All costs associated with the construction of this flare configuration shall be borne by the developer.
  - iii. Visibility triangles, as required by **Article VII**, shall be provided at the intersection of all public streets. In addition, visibility easements may be required where sight distance may be limited due to topography, roadway curvature, vegetation, or other sight hindrance. The easement shall be dedicated by plat.
- (b) Residential Block Length: The following standards shall be followed in the design of residential blocks.
- i. Block lengths and cul-de-sacs shall be appropriate to the density and type of development as follows:
    - 1. Generally, the maximum length of any block in a residential zone district shall be 600 feet.
    - 2. If utilizing rural standards, the maximum block length shall be 1000 to 1200 feet with a maximum of 12 lots.
  - ii. Alternative Block Lengths
    - 1. The Administrator may approve alternative block lengths under the following conditions:

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- a. Proximity to a railway, expressway, waterway
  - b. Topographic features
  - c. An infill development with no alternate access
2. When considering a request for alternative block lengths, the Administrator shall consider the following:
    - a. Alternative designs which would reduce block length
    - b. The effect of long blocks on access, congestion, and delivery of municipal services
    - c. Means of mitigation, including but not limited to mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures
- (c) Curvilinear Street Design Requirements
- i. Roadway layout may include curvilinear design. If curvilinear street design is utilized, then local and collector streets shall be designed with a maximum of 50 percent of the lots within the subdivision to have curved frontage.
  - ii. The roadways shall also conform to the following:
    1. Fit the road to natural topography
    2. Avoid monotony of lot appearance
    3. Reduce speeds through neighborhoods
    4. Discourage through traffic intrusions by eliminating straight views from one block to the next
  - iii. Local and collector streets that connect one major collector or arterial to another major collector or arterial directly are discouraged.
- (d) Cul-de-Sacs: Dead end streets are permitted only where a future extension or connection is anticipated or planned into adjacent property. If the dead end is greater than 150 feet measured from the property line, a turnaround facility will be required. The developer shall be responsible for acquiring the right-of-way or easement and constructing the turnaround. The turnaround will be considered temporary until the street is extended or a permanent cul-de-sac is constructed. The temporary turnaround may be constructed without curb and gutter but shall meet all other design criteria. The turnaround shall be constructed off-site, unless the developer is unable to obtain off-site right-of-way. The Administrator may approve the construction of the turnaround within the limits of the development based on phasing and timing of future connectivity.
- i. A cul-de-sac shall have a 50-foot right-of-way radius at the closed end. The radius of the paved area of the turnaround shall be a minimum of 39 feet.

- ii. To the maximum extent practicable, cul-de-sacs shall provide direct pedestrian/bicyclist access to the closest street or pedestrian/bicyclist connection.

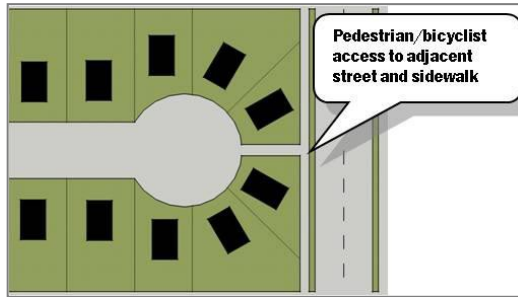


Figure 9.2 Pedestrian Access from Cul-de-Sac to closest street

- iii. Maximum length of a dead-end street permitted shall be 600 feet.
  - iv. Provisions shall be made for drainage at the ends of dead-end streets.
  - v. When an existing dead-end street with temporary turnaround, whether on- or off-site, is extended, the developer extending the street shall be responsible for removing the turnaround facilities, constructing the extension or cul-de-sac to the standards in these regulations, and restoring the affected area.
  - vi. If the developer chooses not to extend an existing dead end-street, then that developer shall provide right-of-way and construct a permanent turnaround or cul-de-sac.
- (6) Rights-of-Way
- (a) Rights-of-way for major arterials, arterials, and collectors are required and shall be established in **Table 9.3-1** unless it meets the standards as established in the city’s adopted Master Thoroughfare Plan.

TABLE 9.3-1: Required Right of Way Widths	
Roadway Classification	Right-of-Way Width
Major Arterial	110 feet
Minor Arterial	80-100 feet
Major Collector	70 feet
Minor Collector	60 feet

- (b) Mid-block and Intersection Requirements: Mid-block and intersection rights-of-way and geometric design for streets are required as shown in the Master Thoroughfare Plan and the city’s Infrastructure Design Standards. Based on site conditions and the proposed development, additional ROW may be required to be dedicated to facilitate access ramp and/or signal construction as follows:
  - i. A 10-foot by 10-foot clip for local/local street intersections.
  - ii. An 80-foot radius for arterial/arterial intersections and arterial/departure side of major collector street intersections. See City’s Infrastructure Design Standards for layout.
  - iii. A 15-foot by 15-foot clip for all other intersections.



- (c) Local Streets: For local streets, the right-of-way can vary depending on the standards utilized as shown in **Table 9.3-2** below:

TABLE 9.3-2: Right of Way Widths and Local Streets		
Pavement Width	Right-of-Way Width	On-Street Parking (Parallel)
30 feet (curb & gutter)	50 feet	Allowed on both sides
26 feet (curb & gutter)	50 feet	Allowed on one side
28 feet (rural design)	60 feet plus 10 feet drainage easement on each side	None allowed

- i. Rural Design: A rural design for a local street includes 28 feet of pavement with no curb and gutter. This standard shall only be used in residential developments with lots one acre or greater in size. On street parking shall not be permitted.
    - ii. Flare at Intersection: Right-of-way for all local streets shall flare to 60 feet at intersections with any arterial street.
  - (d) Alleys:
    - i. Residential alleys shall be a minimum of 20-foot wide ROW with a minimum 12-foot wide pavement.
    - ii. Commercial alleys shall be minimum 24-foot wide ROW with a minimum 24-foot wide pavement.
- (7) Sidewalks
  - (a) Sidewalks Required: The developer shall install sidewalks on all public streets within and abutting the development and standards shall meet **Article VII**. Sidewalks are not required for the local rural streets where the lots are one acre or larger in area. A waiver of sidewalks may be granted by the Administrator if it is determined that construction is not feasible at time of development for engineering reasons or inappropriate due to the nature of the project.
  - (b) Standards: Sidewalks shall be built in accordance with the City’s Infrastructure Design Standards, any adopted Trail Plan, and Texas Accessibility Standards.
  - (c) The developer may, at his own option, choose to provide additional private access easements for sidewalks, walkways, or bicycle facilities. Construction and maintenance of these private access easements will be the responsibility of the developer and/or subsequent owners.
- (8) Development Requirements
  - (a) State Roadways: The developer may be required to construct curbs, gutters, and sidewalks to TxDOT’s standards on developments abutting roadways designated as state highways, or on right-of-way or land owned by the State.
  - (b) Coordination with Planned Street Projects: Where a development will abut an existing street for which construction plans have been prepared for future improvements, the plans for the development shall be coordinated with the street construction plans. If the developer requests an alteration to the construction plans, and the City agrees to the alteration, the developer shall pay to revise the plans as necessary and escrow any increased construction costs. The escrow will not be

- refundable.
- (c) Street Appurtenances with Construction: All public street construction shall include streetlights, street signs, signals, and pavement markings as required by the City's Infrastructure Design Standards. The developer will be responsible for all costs associated with the design and construction or installation of these street appurtenances. Streetlights shall also be required on all perimeter public streets along the frontage of the development. Conduit for fiber optic cables may be required at signalized intersections and along roadways identified in the city's network fiber plan. All street appurtenances shall be designed and constructed in accordance with the City's Infrastructure Design Standards.
  - (d) Payment Requirements
    - i. Payment May be Collected for Site Required Facilities: Upon the developer's request to defer construction of any required public improvements, at the city's sole option, a payment in lieu of construction may be collected for required improvements. The Administrator/City Engineer may agree to defer construction of required improvements and accept payment when construction of the required improvements is not feasible at the time of development. The payment amount shall be estimated based on the total estimated cost of design, utility relocation, and construction of the improvements unless otherwise specified in this section. Payment shall be made to an escrow account to be utilized solely for the construction of the required public improvements.
    - ii. Easements Required: The developer shall provide the right-of-way/easements even if construction is determined not to be feasible and payment is accepted at the time of subdivision.
- (9) Development Agreements:
- (a) Standard development agreements executed by the developer and the city are required for all public improvements. The agreements shall include two-year maintenance bonds, performance bond, payment bond, insurance, and other requirements and fees as detailed in the City's Infrastructure Design Standards.
  - (b) Ownership and Maintenance: All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the city and, after expiration of the maintenance bonds, shall be maintained by the city.
- (10) Private Streets
- (a) Design and Construction Requirements: Private street widths, cross-sections, and design criteria shall comply with city standards and shall meet the minimum construction standards for public streets, including its appurtenances such as streetlights, street signs, and pavement markings. If the development will be gated, it shall comply with the gated entry guidelines in the City's Infrastructure Design Standards.
  - (b) Streets shown on the Master Thoroughfare Plan shall not be used, maintained, or constructed as private streets. In addition, the city may deny the creation of any other private street if, in the city's judgment,

the private street would have any of the following effects:

- i. Negatively affect traffic circulation on public streets
  - ii. Impair access to property either on-site or off-site to the subdivision
  - iii. Impair access to or from public facilities including schools, parks and libraries
  - iv. Delay the response time of emergency vehicles
- (c) Private streets shall be constructed within a separate lot owned by the property owners' association. This lot shall conform to the city's standards for public streets and rights-of-way. An easement covering the street lot shall be granted to the city providing unrestricted use and maintenance of the property for public utilities. This right shall extend to all utility providers operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to, fire and police protection, inspection, and ordinance enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.
  - (d) Cost of Private Streets: The city shall not pay for any portion of the cost of constructing or maintaining a private street and its appurtenances.
  - (e) Inspections: Inspections of private streets shall be performed by the city at the developer's cost or by a third party in accordance with requirements outlined in the City's Infrastructure Design Standards.
  - (f) Maintenance: Developments with private streets shall have a mandatory property owners' association that includes all property served by private streets to ensure maintenance of the private street.
  - (g) Waiver of Services: The subdivision's recorded plat, property deeds, and property owner association documents shall note that certain City services may not be provided on private streets. Among the services that may not be provided are: street maintenance, routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.
- (11) Street Names: The developer shall name streets in conformance with the city's Infrastructure Design Standards. The city shall have final approval of all street names.
  - (12) Alternative Local Street Standards: Alternative street designs may be allowed in accordance with development specific ordinances in PDs and Special Districts approved by the City Commission. There shall be no waivers from construction specifications.

#### 9.4.2 Lots and Blocks

- (1) Lots
  - (a) Buildings on a Lot: Except as otherwise permitted by this Ordinance, every building shall be located on a lot.
  - (b) Frontage: All lots shall front on a public or private street or private access easement and shall have a minimum lot width as indicated in **Article IV**.
  - (c) Lot Size: Platted or replatted lots must comply with the minimum lot size regulations of the zoning district in which the lot is located.

- (d) Setbacks: Lot setbacks shall be determined by the applicable zoning district and not by platted building lines.
- (2) Blocks
  - (a) Lots within Blocks: Lots shall be arranged in a contiguous pattern within blocks or abutting a cul-de-sac.

### 9.4.3 Easements

- (1) Width of Easements
  - (a) Utility: The minimum width for utility easements shall be in accordance with the standards outlined in the city's Infrastructure Design Standards and shall be adequate for the installation and maintenance of utilities that are likely to be located in the easement.
  - (b) Drainage: The minimum width for City drainage easements shall be as required by the city's Infrastructure Design Standards.
  - (c) Storm Drainage or Floodway: Where a Subdivision is traversed by a watercourse, drainage way or channel, a storm drainage easement or right-of-way shall be provided that conforms substantially with such course and of such additional width as may be designated by the Administrator and/or City Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the city. Parallel Streets or parkways are encouraged adjacent to creek or drainage ways to provide maintenance access and/or public access and visibility into public open space or recreation areas. In this regard it is required that at least 50% of the edge along creeks/drainage ways be designated for public access – either trail or street frontage. Utilities may be permitted within a drainage or floodway easement only if approved by the Administrator and/or City Engineer and any other applicable entity requiring the drainage or floodway easement.
  - (d) Other: The width of easements for other utility providers, such as for gas, electric, telephone or cable television, shall be as required by that particular entity. It shall be the Applicant/Developer's responsibility to determine appropriate easement widths required by other utility companies.
- (2) Location of Easements: Easements shall be located to accommodate the optimal design (as determined by the City Engineer) of the various utility and drainage systems that will serve the subdivision, and shall be provided in locations to accommodate any public purpose deemed necessary to protect the public health safety and welfare. In residential subdivisions, where alleys are not provided, a minimum 10-foot wide utility easement shall be provided along the front of all lots, parallel to and flush with the street ROW line for the potential placement of utility facilities.
- (3) Computation of Lot & Buildable Area: The area of a lot shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones and setbacks for each lot. The minimum buildable area shall be an area half (1/2) of the required minimum lot size. When an entire lot is not buildable, the Developer shall submit

verification in writing that the buildable area is adequate for the type of housing product (or nonresidential building) proposed for that lot. Final approval of the allowed buildable area for any lot shall be by the Administrator.

- (4) On-Site Easements Shown on Plat: For new development, all necessary on-site easements shall be established on the Plat and not by separate instrument, and they shall be labeled for a purpose, such as for franchised public utilities. Other examples include, but are not limited to, the following: a drainage easement, which is dedicated to the city for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the city and its fire suppression and emergency medical service providers for access purposes; and an electrical, gas, or telephone easement which is dedicated to the specific utility provider that requires the easement.
- (5) Visibility Triangles: Visibility triangles meeting the standards in **Article VII** shall be designated as visibility easements on the plat.
  - (a) The maximum height of fences, walls, signs, and other similar fixed items shall be 30 inches within the visibility easement.
  - (b) Landscaping: All landscaping (and any other fixed feature) within the triangular visibility easement shall be designed to provide unobstructed cross-visibility at a level between 30 inches and eight feet. A limited number of single-trunked trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. Landscaping, except grass and low ground cover, shall not be located closer than three feet from the edge of any street pavement.

#### **9.4.4 Water and Wastewater Utilities**

- (1) Connections for Water: All new Subdivisions shall be connected with the city's water system or other public water supply system approved by TCEQ. The water system shall be capable of providing water for health and emergency purposes, including fire protection. The design and construction of water system shall comply with the following standards:
  - (a) Applicable regulations of the Texas Commission on Environmental Quality (TCEQ).
  - (b) Standards in the city's Infrastructure Design Standards.
  - (c) Fire protection and suppression standards in accordance with the city's policies and ordinances including Fire Code adopted by the city. Additional development will not be allowed without water pressure meeting these standards.
- (2) Connections for Wastewater:
  - (a) All new subdivisions shall be served by a wastewater collection and treatment system authorized and permitted by the TCEQ, except as provided below. The design and construction of the wastewater system improvements shall be in accordance with the standards in the City's Infrastructure Design Standards, and in accordance with TCEQ standards.
  - (b) On-site sewage facilities such as septic or aerobic systems may be

permitted where each lot is one acre or more in area, if the subdivision is 1,000 feet or more from a connection to a wastewater collection system. They shall meet the city's adopted standards for on-site sewage facilities.

- (3) Subdivider Responsibilities: The Subdivider shall be responsible for the following:
  - (a) Phasing of development or improvements in order to maintain adequate water and wastewater services
  - (b) Extensions of utility lines (including any necessary on-site and off-site lines) to connect to existing utility mains of adequate capacity
  - (c) Providing and/or procuring all necessary easements for the utilities (whether on-site or off-site)
  - (d) Providing proof to the city of adequate water and wastewater service
  - (e) Providing for future expansion of the utilities if such will be needed to serve future developments, subject to the city's policies, if applicable
  - (f) Providing all operations and maintenance of the private utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities
  - (g) Providing all fiscal security required for the construction of the utilities
  - (h) Obtaining approvals from the applicable utility providers if other than the city
  - (i) Complying with all requirements of the utility providers, including the city
- (4) Location of Lines: Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare in rights-of-way or dedicated Easements.
  - (a) If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be to the edge of the Subdivision's perimeter property line adjoining any undeveloped property or accomplished in such a manner as to allow future connections to said utilities by new subdivisions.
  - (b) If new subdivisions are not likely to be developed beyond the proposed subdivision (due to physical constraints), the Administrator may waive the requirement for adjacent utility line construction at the time of Preliminary Plat approval and prior to construction of the subdivision.
  - (c) The city shall determine the location and routing of water and sewer extensions and shall retain the authority to reject any extension not deemed to be in the best interest of the city.
- (5) Utilities Not Specified: Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ and with any other applicable State rules and regulations, whichever is the most stringent.
- (6) Dead-End Water Lines
  - (a) Dead-end water lines should be avoided, but when deemed necessary, they should be extended to, and then through, the property sought to be subdivided.
  - (b) All dead-end water lines shall be valved and provided with a valve and fire hydrant located at the extreme end of the line instead of the blow-off mechanism for their flushing, in accordance with current city

Infrastructure Design Standard specifications.

- (7) Payment of Pro-Rata Charges: Where the proposed subdivision would abut and utilize an existing water main and/or sanitary sewer main of the city, the Developer may be required to pay to the city any applicable "pro rata" charge per requirements of the city or previous pro rata agreement.

#### **9.4.5 Drainage and Environmental Standards**

- (1) Drainage System Generally
  - (a) Drainage improvements shall accommodate runoff from the upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system or adversely impacting either upstream or downstream properties.
  - (b) The city may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development.
  - (c) No storm water collection system shall be constructed unless it is designed by a licensed professional engineer and in accordance with this section and with the city's Infrastructure Design Standards, and unless it is reviewed and approved by the Administrator/City Engineer.
  - (d) All plans submitted to the Administrator/City Engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system.
  - (e) Drainage Easements shall be kept clear of all obstructions, such as but not limited to, fences, buildings, trees and shrubs, or other structures or improvements which in any way endanger or interfere with the construction, maintenance, or operation of any drainage system.
- (2) Off-Site Drainage:
  - (a) The applicant/developer/property owner of the subject property to be developed shall be solely responsible for all storm drainage flowing on or from the subject property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography.
  - (b) Adequate consideration shall be given by the applicant/developer/property owner in the development of property to determine how the discharge leaving the proposed development will affect downstream property. As part of any application for development that will affect downstream property, the applicant/developer/property owner shall furnish the city with a letter signed by a Texas Professional Engineer stating that the development as designed will not damage downstream property due to the development's impact on off-site drainage.
  - (c) Storm water runoff that has been collected or concentrated on lots or tracts of five acres or more shall not be permitted to drain onto adjacent property except into existing creeks, channels or storm sewers, unless proper drainage easements or notarized letters of permission from any affected downstream property owner(s) are provided.
- (3) Cross-lot Drainage Prohibited: Drainage between residential lots is the

responsibility of the affected applicant/developer/property owner. Applicants/developers/property owners are required to drain surface runoff from an individual lot to a public ROW or to an underground drainage system contained in a public easement and will not be allowed to surface drain onto another lot. The Administrator shall have the discretion to allow modifications to the lot-to-lot drainage requirements where adherence to these requirements would be in conflict with other city ordinances and/or regulations.

- (4) Erosion & Sedimentation Control: All erosion and sedimentation controls shall conform to the city's Infrastructure Design Standards and the current National Pollution Discharge Elimination System (NPDES) regulations.
- (5) Changing Existing Ditch, Channel, Stream or Drainage Way: No person or entity shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainage way without first obtaining written permission of the Administrator/City Engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The Administrator/City Engineer may require preparation and submission of a CLOMAR, LOMR, other appropriate map revision or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.
- (6) Siting of Lots & Building Sites: In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.
- (7) Approval: Lots in any proposed subdivision shall not be approved until drainage facilities adequate to prevent flooding have been installed or necessary arrangements made for such installation as required under this **Article IX**.
- (8) Issuance of Building Permits: On any lot/subdivision designated by the Administrator/City Engineer as requiring completion or partial completion of drainage improvements prior to building construction, no building permits shall be issued prior to a release authorized by the Administrator.

## 9.5 IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF SUBDIVISION

### 9.5.1 Generally

The requirements as set forth below are designed and intended to ensure that, for all subdivisions subject to this Article, all improvements as required herein are installed properly and:

- (1) The city can provide for the orderly and economical extension of public facilities and services
- (2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land
- (3) All required public improvements are constructed in accordance with city's Infrastructure Design Standards



### **9.5.2 Adequate Public Facilities Policy**

The land to be divided or developed must be served adequately by essential public facilities and services. No plat shall be recorded unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. Wherever the subject property adjoins undeveloped land, or wherever required by the city to serve the public good, utilities shall be extended to adjacent property lines to allow connection of these utilities by adjacent property owners.

### **9.5.3 Public Improvements Required**

Public improvements that are required by the City of Ennis for the acceptance of any subdivision by the City shall include the following:

- (1) Water and wastewater facilities
- (2) Storm water drainage, collection and conveyance facilities
- (3) Water quality, erosion and sedimentation controls
- (4) Streets
- (5) Street lights
- (6) Street signs
- (7) Alleys (if provided)
- (8) Sidewalks, including ADA approved ramps at street intersections and other appropriate locations
- (9) Perimeter landscaping, screening and/or retaining walls (where required)
- (10) Common area improvements
- (11) Traffic control devices required as part of the project
- (12) Appurtenances to the above, all designed and constructed in accordance with ADA standards, if applicable, and any other public facilities required as part of the proposed subdivision

### **9.5.4 Compliance Required**

All aspects of the design and construction of public improvements shall comply with the city's current Infrastructure Design Standards and any other applicable City codes and ordinances, including preparation and submittal of engineering plans and construction inspection.

### **9.5.5 Utility Lines**

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three feet beyond the edge of the pavement.

### **9.5.6 Monuments**

- (1) Block Corner Monuments: Monuments consisting of 3/4-inch diameter steel rods 24 feet long and set flush with the top of the ground shall be placed at all corners of block lines, the point of intersection of alley and block lines, and at points of intersections of curves and tangents of the subdivision. Each block corner monument shall be marked in a way that is traceable to the responsible

- RPLS or associated employer.
- (2) Lot Corner Monuments: Lot corner monuments shall be placed at all lot corners (except corners which are also block corners), consisting of iron rods or pipes of a diameter of not less than ½-inch and 24 inches in length, and set flush with the top of the ground.
  - (3) Curve Point Markers: In addition, curve point markers shall be established of the same specifications as lot corners.
  - (4) View between Monuments Obstructed: Where, due to topographic condition, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
  - (5) Installed Prior to Acceptance & Filing: All required block, lot, and curve monuments shall be installed prior to the final acceptance of the subdivision by the city and prior to filing the plat at the county.
  - (6) Precision and Error of Closure: All survey work around the boundary area, as well as within the subdivision, shall satisfy the following precision requirements and otherwise comply with 66 Texas Admin. Code §663.13, as applicable:
    - (a) The actual relative location of corner monuments found or set within the corporate limits of the city shall be reported within a positional tolerance of 1:10,000 + 0.10 feet.
    - (b) The actual relative location of corner monuments found or set within the extraterritorial jurisdiction of the city shall be reported within a positional tolerance of 1:7,500 + 0.10 feet.
    - (c) The actual relative location of corner monuments found or set in all rural areas outside the corporate limits and extraterritorial jurisdiction of the city shall be reported within a positional tolerance of 1:5,000 + 0.10 feet.
    - (d) Areas, if reported, shall be produced, recited, and/or shown only to the least significant number compatible with the precision of closure.
    - (e) Survey measurement shall be made with equipment and methods of practice capable of attaining the tolerances specified by these standards.
    - (f) Positional tolerance of any monument is the distance that any monument may be mislocated in relation to any other monument cited in the survey.

### **9.5.7 Subdivisions Containing 5 Acres or More**

A subdivision containing five acres or more shall have at least two monuments set by the RPLS, if not already existing, for two corners of the subdivision, and such monuments shall be located at opposite ends (or at widely separated corners) of the subdivision and clearly shown on the Final Plat prior to filing at the county. The Final Plat shall also show clear ties to existing monuments in the vicinity of the subdivision.

### **9.5.8 Street Lights**

Street light locations and installations shall be coordinated by the applicant/developer with the power company and the city. Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook. Street lights shall be as manufactured by Kim Standards or a comparable street light approved by the Administrator. Street

lights shall be installed a maximum distance of 600 feet apart, at intersections, and at the ends of cul-de-sacs. The applicant/developer shall pay for the electricity used by the street lights until building permits are issued for 80% of the lots, after which time the city shall pay for the cost of electricity used.

#### **9.5.9 Street Names and Signs**

Street names must be submitted to the city for review and approval in accordance with this section and the city's guidelines for the naming of streets.

- (1) Preliminary Plat: Proposed Street names shall be submitted for review as a part of the Preliminary Plat application, and shall become fixed at the time of approval of the Preliminary Plat.
- (2) Final Plat. On the Final Plat, street names shall not be changed from those that were approved on the Preliminary Plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the city (or some other similar eventuality). If additional street names are needed for the Final Plat, then they must be submitted for review and approval by the city, along with the Final Plat application.
- (3) Streets Named for Corporations/Businesses Prohibited: The names of corporations or businesses shall not be used as street names, unless approved by the City Commission.
- (4) List of Street Names Maintained: The city will maintain a list of existing street names that are essentially "reserved" names that have been previously been approved on a Preliminary Plat, and will update the list as new streets are platted.
- (5) Duplication & Similarities Prohibited: New street names shall not duplicate existing street names either literally or in a subtle manner (for example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Lantern Way vs. Land Tern Way; Cascade Drive vs. Cascading Drive); shall not be so similar as to cause confusion between names (for example, Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive).
- (6) Extension of Existing Streets: Any new street that extends an existing street shall bear the name of the existing street unless otherwise approved by the P&Z Commission and City Commission.
- (7) Street Sign Installation
  - (a) Street name signs shall be installed by the applicant/developer/property owner at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be installed in accordance with standards of the city. Traffic signs shall be furnished in accordance with the latest Texas Manual on Uniform Traffic Control Devices (MUTCD).
  - (b) Timing of Installation: All street signs shall be installed before final acceptance of the subdivision by the city.

#### **9.5.10 Street and Alley Improvements**

- (1) Facilities Constructed by the Developer: All facilities, such as internal streets and alleys, existing or proposed streets located immediately adjacent to the property, that are required to be constructed or improved in order to adequately serve the

development, shall be constructed by the developer at the developer's expense, unless otherwise allowed by this **Article IX**.

- (2) Construction and Design: All streets and alleys shall be designed and constructed to meet the city's Infrastructure Design Standards and shall conform in width and section to any approved development specific ordinance, this **Article IX** or adopted Master Thoroughfare Plan.
- (3) Paving Standards: The developer shall construct all streets and alleys according to the standards contained within the city's Infrastructure Design Standards.
- (4) ADA Compliance: In addition to the above-mentioned minimum standards, barrier-free ramps for physically challenged persons shall be constructed at all street intersections, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with the Highway Safety Act, as amended, and with the Americans with Disabilities Act (ADA), as amended.
- (5) Signs and Barricades: All signs and barricades shall be in conformity with the city's Infrastructure Design Standards, with ADA standards, and with specifications for uniform traffic control devices, as adopted by the city, Ellis County, Texas Department of Transportation, or the Texas Department of Public Safety, as applicable.

#### **9.5.11 Subdivision Perimeter Fencing, Buffering and Landscaping**

- (1) Subdivision Perimeter Fencing shall be required per standards in **Article VII** or per a development specific ordinance as approved by the P&Z and the City Commission.
- (2) Buffering and Landscaping for any common areas or public improvements shall be required per standards in **Article VII** or per a development specific ordinance as approved by the P&Z and City Commission.
- (3) The developer shall provide (at his/her expense) such required fencing, buffering and/or landscaping prior to acceptance of a subdivision by the city.

#### **9.5.12 Subdivision Identification Signs**

- (1) Subdivision Identification Signs are permitted at the entrance of residential subdivisions which are bisected by one or more streets. Such subdivisions must have:
  - (a) 10 or more platted single-family or duplex, triplex, quad-plex residential lots
  - (b) 20 or more multi-family units
- (2) Subdivision Identification Signs may be free standing or may be incorporated on a subdivision perimeter fence located in an appropriate easement.
- (3) Standards:
  - (a) The maximum size of a Subdivision Identification Sign shall be 50 square feet per sign with a maximum height of six feet unless an alternative design is otherwise approved by the City Commission.
  - (b) Signs may be located at each corner of an intersection of an entrance street or within the median of a divided street, but shall not be located in within visibility triangles.
  - (c) The design of the Subdivision Identification Sign shall be in accordance with the city's Sign Ordinance or Infrastructure Design Standards, as applicable.

- (d) The design of the Subdivision Identification Sign (including any related perimeter fence) shall be reflected on materials/plans submitted along with the Preliminary Plat and the engineering plans.

### **9.5.13 Water and Wastewater Requirements**

- (1) Installation: The design, construction and installation of all water and wastewater lines shall be in conformance with this **Article IX** and any adopted master plans and city Infrastructure Design Standards and shall be approved by the Administrator/City Engineer.
- (2) Provision for Water & Wastewater Required: No Final Plat shall be approved nor subdivision accepted within the city or its extraterritorial jurisdiction until the applicant/developer/property owner has made adequate provision for a water system, fire protection, and a sanitary sewer system per the requirements of this **Article IX**.
- (3) Safe Water Supply & Fire Protection: Water system mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply and to furnish fire protection to all lots shall be provided.
- (4) Water and Wastewater Mains to Property Line: Water and wastewater mains shall extend to the farthest property line in order to allow future connections into adjacent undeveloped property unless otherwise authorized by this **Article IX**.
- (5) Utilities to Property Line of Each Lot: Services for utilities shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.
- (6) Fire Protection: Fire hydrants and protection apparatus shall be provided in accordance with the city's Infrastructure Design Standards, and with any other city policy or ordinance pertaining to fire protection or suppression.
  - (a) The Administrator/Fire Marshall/Fire Chief shall have the authority to approve the locations and placement of all fire hydrants, fire lanes, and easements in accordance with the adopted Fire Code. Fire hydrant spacing or fire lane placement may be modified based upon special design or distance circumstances with approval of the Administrator/Fire Marshall/Fire Chief.
  - (b) Vertical construction (i.e., any building construction above foundation/slab level) shall not commence until all required fire lanes are properly installed and accepted by the city, nor until all fire hydrants have been installed, inspected, tested and accepted by the city.

### **9.5.14 Storm Drainage & Water Quality Controls**

- (1) Adequate Storm Sewer System Required: An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.
- (2) Areas Subject to Flood Conditions or Storm Water Retention: Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as determined by the Administrator, will not be considered for development until adequate drainage has been provided.

- (3) Design: The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and other drainage facilities shall conform to the requirements of this **Article IX** and any adopted city Infrastructure Design Standards.
- (4) Maintenance Bond:
  - (a) The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance/performance bond.
  - (b) Responsibility: The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, through maintenance/performance bond time period for the applicable facilities.
  - (c) City Inspection: The city shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.
- (5) Storm Water Pollution Prevention Plan (SWPPP):
  - (a) An SWPPP shall be provided for storm water discharge in accordance with Texas Pollutant Discharge Elimination System (TPDES) general permit, TXR150000, and/or Environmental Protection Agency (EPA) regulations. This shall include the assumption of responsibility of said pollution prevention system, including the design and implementation of said system, complete in place. Moreover, when it comes to SWPPP, only the developer/contractor has the sole authority, responsibility and control over plans and specifications of the said SWPPP and can make changes to those specifications for the entire project as deemed necessary or needed to remain in compliance with the Texas Commission on Environmental Quality (TCEQ) and/or EPA regulations.
  - (b) When site stability is achieved in accordance with the SWPPP, the developer shall remove the control apparatuses, devices, and systems and remove accumulated silt and debris.

#### **9.5.15 Private Utilities**

- (1) Utility companies shall submit plans when constructing new overhead lines, underground lines, and upgrading existing lines within the rights-of-way. The city shall review and permit such plans per the requirements in this Ordinance, any applicable state laws, and the city's Infrastructure Design Standards. Non-emergency utility work shall be coordinated with the city's Capital Improvements Plan to reduce disruption due to construction to the community. Utility companies are not required to obtain a permit in the event of an emergency in order to restore service.
- (2) All subdivision plats shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires including, but not limited to, street lighting, to be placed underground.
- (3) The Developer shall be responsible for obtaining verification from the utility companies for easement locations and widths prior to the final approval of construction plans by the city. Any changes during construction shall be approved

by the utility companies and the city.

- (4) Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the Developer is responsible for relocation and placement of the lines underground.
- (5) All new service lines to individual lots in a subdivision shall be placed underground.
- (6) In special or unique circumstances or to avoid severe hardships that are not financial, the city may authorize waivers to this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone or cable TV lines and may approve any plat with such approved exceptions. Such waivers may only be approved by City Commission prior to Final Plat approval and upon the execution of the 30 day waiver by the applicant.
- (7) Where electrical service is to be placed underground, all other utilities, including circuits for street and site lighting, except street lighting standards, shall also be placed underground.
- (8) Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Each utility company shall have the right to charge or recover costs associated with installing underground utilities in accordance with the respective utility's Tariff for Service and/or Line Extension Policy. No utility company shall be required to begin construction of underground facilities unless and until the owner or Developer of the subdivision has made arrangements with the respective utility company for payment in accordance with that respective utility's Tariff for Service and/or Line Extension Policy governing utility installations and their cost.
- (9) Temporary construction service may be provided by overhead electric lines and facilities without obtaining a waiver, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.
- (10) All installations regulated by this section shall also conform to the standards for utility construction as per the city's Infrastructure Design Standards.

## **9.6 REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY THE CITY**

### **9.6.1 Withholding City Services and Improvements until Acceptance**

- (1) General Policy
  - (a) The city will withhold all city services and lot permits of any type until all required improvements are properly constructed according to the approved engineering plans and to City's Infrastructure Design Standards, and until such public improvements are dedicated to and accepted by the city.
  - (b) The city will withhold all permits until all development-related fees, including park fees have been paid.

### **9.6.2 Guarantee of Public Improvements**

- (1) **Developer's Guarantee:** Before final acceptance of a subdivision located all or partially within the city or its extraterritorial jurisdiction, the city must be satisfied that all required public improvements have been constructed in accordance with the approved engineering plans and with the requirements of this **Article IX**.
- (2) **Development Agreements & Guarantee:** The Administrator may waive the requirement that the developer/applicant complete and dedicate all public improvements prior to final acceptance of the subdivision, and may permit the developer to enter into a Development Agreement by which the developer pledges to complete all required public improvements no later than two years following the date upon which the remainder of the subdivision is accepted. The Administrator may also require the developer to complete or dedicate some of the required public improvements prior to final acceptance of the subdivision, and to enter into a Development Agreement for completion of the remainder of the required improvements during such two-year period. The Development Agreement shall contain such other terms and conditions as are agreed to by the developer and the city and shall be approved by the City Commission.
- (3) **Development Agreement Required for Oversize Facility Reimbursement:** The city may participate in the oversizing of water and sewer facilities required to serve the land areas and improvements beyond the subdivision. The city shall require a Development Agreement pertaining to any public improvement for which the developer shall request reimbursement from the city for oversize costs. Such agreements shall only be approved by the City Commission.
- (4) **Financial Guarantee:**
  - (a) Whenever the city permits a developer/applicant to enter into a Development Agreement, it shall require the developer/applicant to provide sufficient financial guarantee, covering the completion of the public improvements. The financial guarantee shall be in the form of cash escrow or, where authorized by the city, a Performance Bond or letter of credit or other instrument acceptable to the Administrator and the City Attorney. The financial guarantee shall be in an amount equal to 110percent of the estimated cost of completion of the required public improvements and lot improvements. The City Engineer shall review and approve the cost estimates provided by the developer.
  - (b) **Additional Financial Guarantee.** If the financial guarantee on any Performance Bond furnished by the developer/applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or if the financial guarantee ceases to meet the requirements listed in Circular 570, the developer shall, within 20 calendar days thereafter, substitute another Performance Bond which must be acceptable to the city.
  - (c) **Withholding Until Improvements or Other Financial Guarantee:** The city may withhold building permits, certificate of occupancy permits or utility connections until required public improvements are completed or other financial guarantee is provided to the city.
  - (d) **Reducing Amount of Financial Guarantee:** As portions of the required public improvements are completed, the developer/applicant may



make written application to the city to reduce the amount of the original financial guarantee. If the city is satisfied that such portion of the improvements has been completed in accordance with approved plans and city's Infrastructure Design Standards, the Administrator may allow the amount of the financial guarantee to be reduced by such amount that is deemed appropriate, so that the remaining amount of the financial guarantee adequately insures the completion of the remaining required public improvements.

(5) Escrow Policies and Procedures for Streets:

- (a) Whenever this **Article IX** requires a developer/applicant to construct a street or thoroughfare, the developer/applicant may petition the city to construct the street or thoroughfare, usually at a later date, in exchange for deposit of escrow as established in this section.
- (b) The basis of such petition shall be the existence of unusual circumstance(s), such as a timing issue due to pending street improvements by the city or another agency such as TxDOT or Ellis County that would present undue hardships or that would impede public infrastructure coordination or timing.
- (c) The City Commission shall review the particular circumstances involved, and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the developer's obligation to construct the street or thoroughfare at the time of the subdivision development.
- (d) Whenever the City Commission agrees to accept escrow deposits in lieu of construction by the developer of the street or thoroughfare, the developer shall deposit in escrow with the city an amount equal to costs of the following:
  - i. Administration
  - ii. Advertisements
  - iii. Bidding
  - iv. Bonds
  - v. Contingency
  - vi. Testing
  - vii. Design
  - viii. Construction
  - ix. Permits
  - x. Reviews and approvals
  - xi. Inspections
  - xii. Any additional land acquisition
  - xiii. An appropriate (and realistic) inflation factor to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future
- (e) Determination of Escrow Amount. The amount of the escrow shall be determined by using the maximum comparable "turn-key" bid price of construction of the street or thoroughfare improvements (including the items listed in subparagraph (d) above).
- (f) The escrow amount shall be paid prior to release (approval) of engineering plans by the City Engineer. The obligations, responsibilities,

and related liability of the developer shall become those of the developer's transferees, successors and assigns.

- (g) Escrowed amounts, along with any interest accrued on such amount, may be used for the purposes outlined in subparagraph (d) above in order to undertake construction of the facilities that are required as part of the development for which the escrow was submitted.
- (h) Escrows, or portions of escrowed amounts, which have been placed with the city under this section and which have been held for a period of 10 years from the date of such payment or agreement, in the event that the city has not authorized the preparation of plans and specifications for construction of such street facilities for which the escrow was made, shall, upon written request, be returned to the Developer, along with its accrued interest. Such return does not remove any obligations of the developer for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.
- (i) If any street or thoroughfare for which escrow is deposited is constructed by a party other than the city, or is reconstructed by another governmental authority at no cost to the city, the escrowed funds and accrued interest shall be refunded to the developer/applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the city and the other portion of the cost by another party or governmental authority, the difference between the developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

### **9.6.3 Temporary Improvements**

- (1) Responsibility: The developer/applicant shall build and pay for all costs of any temporary improvements required by the city, and shall maintain such improvements for the period specified by the city.
- (2) Temporary Easement: Any temporary improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within a temporary easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall not be shown on the Final Plat unless it is a permanent easement for the subdivision. A temporary easement may be abandoned with the Administrator's written consent.

### **9.6.4 Failure to Complete Improvements**

In those cases where a Development Agreement has been executed and financial guarantee has been posted, and the required public improvements have not been installed within the terms of the agreement, the city may:

- (1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default.
- (2) Suspend any previously authorized building construction activity within the Subdivision until the public improvements are completed, and record a

document to that effect for the purpose of public notice.

- (3) Obtain funds under the financial guarantee and complete the public improvements itself or through a third party.
- (4) Assign its right to receive funds under the financial guarantee to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property.
- (5) Exercise any other rights or remedies available under the law.

#### **9.6.5 Maintenance Guarantee**

- (1) A developer shall furnish a good and sufficient maintenance bond issued by a reputable and solvent corporate surety approved by the Texas Insurance Commission, in favor of the city, to indemnify the city against and guarantee the costs of any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the entire project or a phase of the project, if the city elects to accept a particular phase before the entire project is completed.
- (2) A separate maintenance bond must be furnished for work done under each contract for each part of such construction work unless otherwise authorized by the city.
- (3) Final acceptance will be withheld until said maintenance bond is furnished to and approved by the City Attorney. The maintenance bond shall have attached thereto a copy of the construction contract for such improvements and such other information necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall so specify in writing to the Administrator. No permits shall be issued by the City on any piece of property other than an original or a re-subdivided lot in a duly approved and recorded subdivision or on a lot of separate ownership of record prior to the approval of any required maintenance bond.
- (4) The Administrator may waive the requirement for a maintenance bond for projects with a construction cost of \$5,000 or less.

#### **9.6.6 Construction Procedures**

- (1) Site Development Permit: A Site Development Permit shall be required from the city prior to beginning any site development-related work in the city or its extraterritorial jurisdiction which affects erosion control, grading, storm drainage, clear-cutting of trees, or a flood plain.
- (2) Conditions Prior to Authorization: Prior to issuing a Site Development Permit, the Administrator shall be satisfied that the following conditions have been met:
  - (a) The Final Plat has been approved by the P&Z (and any conditions of such approval have been satisfied)
  - (b) All required engineering plans and documents are completed and approved by the city
  - (c) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of approval of the city, and at

- least one set of these plans shall remain on the job
- (d) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the city
  - (e) All applicable fees must be paid to the city
- (3) Nonpoint Source Pollution Controls and Tree Protection: All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the City Engineer's satisfaction, prior to commencement of construction on any property.

### **9.6.7 Inspection and Acceptance of Public Improvements**

- (1) The developer shall provide inspection service per the city's standards to ensure that construction is being accomplished in accordance with the plans and specifications approved by the city.
- (2) The developer shall notify the city at least 48 hours prior to commencement of construction. This notice shall give the location and date of the start of construction.
- (3) The city shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of this **Article IX**.
- (4) If the City finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved construction plans, the city's standards and/or Infrastructure Design Standards, then the developer shall be responsible for completing and correcting the deficiencies (at the developer's expense) such that they are brought into conformance with the applicable standards.
- (5) Letter of Satisfactory Completion:
  - (a) The city will only deem required public improvements satisfactorily completed when the developer's engineer or RPLS has certified to the city (through submission of detailed sealed "as-built", or record, drawings of the property [digital and hard copy]) drawings that indicate all public improvements and their locations, dimensions, materials and other information required by the city, and when all required public improvements have been completed.
  - (b) When the requirements of subsection (a) above have been met to the Administrator's and City Engineer's satisfaction, and when a maintenance bond has been received and approved as required in Section 9.6.5: Maintenance Guarantee, the Administrator shall issue a Letter of Satisfactory Completion.
- (6) Effect of Acceptance: Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the city for use and maintenance, subject to the two year Maintenance Bond (see Section 9.6.5: Maintenance Guarantee).

### **9.6.8 Issuance of Building Permits and Certificates of Occupancy**

- (1) Building Permit:
  - (a) A building permit shall only be issued for a lot, building site, building or use after the lot or building site has been officially recorded by a Final

Plat approved and filed per **Article III**, and after all public improvements have been completed per this **Article IX**.

- (b) Notwithstanding the (a) above, a permit may be issued as outlined below, provided that an agreement providing sufficient financial guarantee (see Section 9.6.2: Guarantee of Public Improvements) is approved for the completion of all remaining Public Improvements.
  - i. Building “Foundation-Only” Permit: A building “foundation only” permit may be issued for a nonresidential or multi-family development. However, the building permit shall not be issued and building construction shall not be allowed to surpass the construction of fire protection improvements. In other words, the building shall not proceed above the slab level until all required fire lanes have been completed, and until all water lines serving fire hydrants have been completed, inspected and tested.
  - ii. Possible Release of Lots. The Administrator may release some residential building permits for not more than 10percent of the lots within a new residential subdivision, provided that all public improvements have been completed for that portion of the development including those required for fire and emergency protection. No lot may be sold nor title conveyed until the Final Plat has been recorded with Ellis County.
- (2) Certificate of Occupancy:
  - (a) A Certificate of Occupancy shall only be issued for a building or the use of property after a Final Plat has been approved and filed per **Article III**, and after all subdivision improvements have been completed and accepted.
  - (b) Notwithstanding (a) above, a Certificate of Occupancy may be issued provided that an agreement providing sufficient financial guarantee (see Section 9.6.2: Guarantee of Public Improvements) is approved for the completion of all remaining Public Improvements, and provided that the structure is safely habitable in accordance with the city’s adopted building codes. No Lot may be sold nor title conveyed until the Final Plat has been recorded with Ellis County.

**CITY OF ENNIS, TEXAS  
UNIFIED DEVELOPMENT ORDINANCE  
Article X – Nonconformities**

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

**Article X – Nonconformities**

**10.1 PURPOSE AND GENERAL PROVISIONS**

**10.1.1 Purpose**

This chapter governs uses, structures, lots, and other situations that came into existence legally prior to the effective date of this ordinance or the effective date of future amendments to this ordinance, but do not comply with or conform to one or more requirements of this ordinance. All such situations are collectively referred to as “nonconformities.”

**10.1.2 General Policy**

While nonconformities may continue, the provisions of this Article are intended to create a more balanced approach to nonconformities. The city acknowledges the need for ongoing maintenance and a market driven approach to substantial redevelopment under the requirements of this ordinance while discouraging perpetuation of nonconformities through minimal investments intended to circumvent the overall intent of zoning regulations to create adjacency predictability and gradually increasing property values based on public and private investment. Any nonconforming use, structure, lot, or site condition that becomes nonconforming as a result of this ordinance and any subsequent rezoning or amendment to this text of this ordinance may be continued or maintained only in accordance with the terms of this article. This article is also intended to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and set forth requirements.

**10.1.3 Continuation Permitted**

Any nonconformity that legally exists on the adoption date of this ordinance, or that becomes nonconforming upon the adoption of any amendments to this ordinance may be continued in accordance with the provisions of this article.

**10.1.4 Determination of Nonconformity Status**

In all cases, the burden of establishing that any nonconformity is a legal nonconformity shall be solely upon the owner of such nonconformity.

**10.1.5 Repairs and Maintenance**

Incidental repairs and normal maintenance of nonconformities shall be permitted, unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this ordinance. Structures may be structurally strengthened or restored to a safe condition, in accordance with an official order of a public official or other authorized person or entity.

**10.1.6 Tenancy and Ownership**

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

**10.1.7 Exception Due to Variance or Modification**

This article shall not apply to any development standard or feature that is the subject of a variance or modification granted by the Zoning Board of Adjustment. Where a variance or modification has been granted for a development standard that does not otherwise conform to the requirements of this ordinance, that development standard shall be deemed conforming.

### 10.1.8 Enforcement of Requirements

The city may withhold necessary permits, inspections, or other approvals to ensure compliance with this article.

### 10.1.9 Nonconformity Due to Governmental

A use, lot, or structure conforming to city ordinances shall not be considered nonconforming in the event a governmental entity reduces the size of the lot on which the structure is located by widening an abutting street or through the exercise, or potential exercise, of the city, county, or state's eminent domain power. Any status claimed under this subsection must be the result of city, county, or state action only and not otherwise result in a situation that jeopardizes the public health, safety, or welfare. Further, the city, county, or state's action must make it impossible or highly impracticable for the structure to be brought into conformity with this ordinance. The right to rebuild or add-on shall not be given to properties described in this subsection. This subsection is intended to provide conforming status for the use, lot, or structure immediately after such city, county, or state action, only with regard to the following requirements:

- (1) the amount of square footage removed from the structure's minimum required lot area by the city, county, or state action
- (2) the number of linear feet removed from the structure's minimum required lot depth or width by the city, county, or state's action
- (3) the number of linear feet removed from the structure's minimum required front setback, side setback, or rear setback by the city, county, or state's action
- (4) the number of then existing properly marked parking spaces removed from the structure's minimum required off-street parking by the city, county, or state's action
- (5) the increased percentage of lot coverage directly attributable to the city, county, or state's action
- (6) the amount of landscaping removed from the existing property by the city, county, or state's action

## 10.2 NONCONFORMING USES

### 10.2.1 General

Any use of land that was legally in existence and nonconforming on the effective date of this ordinance and has been in regular and continuous use, but which does not conform to the use regulations prescribed by this ordinance, shall be deemed a nonconforming use. However, any single-family use lawfully existing on the effective date of this ordinance shall be hereafter deemed a lawful use.

### 10.2.2 Change of Use

- (1) A nonconforming use may only be changed to a conforming use allowed in the zoning district in which it is located.
- (2) Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.
- (3) A nonconforming use shall not be changed to another nonconforming use.

### 10.2.3 Enlargement or Extension of Nonconforming Use

There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and



area of its operation at the time the regulation that made the use nonconforming was adopted.

#### 10.2.4 Loss of Legal Nonconformity Status

(1) ABANDONMENT

If a nonconforming use is discontinued or ceases for any reason for a period of more than 180 continuous calendar days, the use shall be considered abandoned unless the owner of the property presents documentation of the intent to continue the nonconforming use. Once abandoned, the legal nonconforming status shall be lost, the right to operate the nonconforming use shall cease, and re-establishment of the nonconforming use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

If a nonconforming use is discontinued or ceases, but is re-established within 180 calendar days, then the nonconforming use may continue, provided the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was abandoned.

(2) DAMAGE OR DESTRUCTION

If the structure in which a nonconforming use is housed, operated, or maintained is destroyed by any means to the extent of more than 50 percent of its fair market value, the use may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located.

If the structure in which a nonconforming use housed, operated, or maintained is partially destroyed, where the damage does not exceed 50 percent of its fair market value, the nonconforming use may be allowed to continue and the structure may be rebuilt but not enlarged upon approval of a building permit.

(3) ACTION BY THE ZONING BOARD OF ADJUSTMENT

The right to maintain or operate a nonconforming use or structure shall be determined by the Zoning Board of Adjustment in accordance with the provisions of this Ordinance outlined in **Article III**.

### 10.3 NONCONFORMING LOTS

#### 10.3.1 Nonconforming Lots of Record

No use or structure shall be established on a lot of record that does not conform to the lot area, lot width, or lot depth requirements for the zoning district in which it is located established, except as otherwise provided for in this section.

(1) Single Family Residential Lots

(a) Lot Size: If a lot of record created by a subdivision plat has less width or area than the minimum requirements of the district in which the lot is located, the standard for width or area shall not prohibit the erection of a detached single-family dwelling or an accessory structure provided that:

- i. The lot is at least 25 feet in width and 2,500 square feet in area
- ii. The lot width and area do not vary more than 10 percent from the minimum requirements of the district in which the lot is located

(b) Setbacks. Single-family dwellings with setbacks made nonconforming by the adoption of this ordinance are exempt from the requirements of this section if the following findings can be made:

- i. The proposed addition or alteration will either meet current setback requirements or will not encroach any further into the required setback than the existing structure
  - ii. If the proposed alteration or addition is located on the side of the existing dwelling, and there is a minimum distance of 10 feet between the side of the existing structure and the nearest dwelling on the adjoining property
- (c) Single family residential parcels with setbacks made nonconforming by the installation of roadways or other easements/property line adjustments created or enacted by a governmental entity are also exempt from the requirements of this section, and shall not be required to address the finding above.

(2) **Adjacent Lots in Single Ownership**

If two or more adjacent and vacant nonconforming lots are in single ownership at any time, and such lots individually have less width or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered in combination and treated as a single lot or several lots that meet the minimum requirements for the district in which they are located under this ordinance. Any construction, replacement, or enlargement of a dwelling or building shall require a combination or replatting of all necessary lots in order to achieve compliance with the provisions of this ordinance.

## 10.4 NONCONFORMING STRUCTURES OR SITES

### 10.4.1 General

A nonconforming structure or site is a building or site with improvements, the size, dimension, design, or location of which was lawful prior to the adoption, revision, or amendment of this ordinance, but which fails to conform to the requirements of the development regulations applicable to the property by reasons of such adoption, revision, or amendment.

### 10.4.2 Continuation of Nonconforming Structure or Site

Except where prohibited by this article, a nonconforming structure or site may be used, subject to the provisions of this ordinance, for any use allowed in the underlying zoning district, including a legal nonconforming use.

### 10.4.3 Maintenance and Minor Repair

The maintenance or minor repair of a nonconforming structure is permitted, provided that the maintenance or minor repair does not extend or expand the nonconforming structure or exacerbate (make worse) any existing nonconformity. For the purposes of this subsection, "maintenance and minor repair" means:

- (1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure
- (2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses
- (3) Repairs that are required to remedy unsafe conditions that cause a threat to public safety

### 10.4.4 Enlargement and Expansion

A nonconforming structure in which only permitted uses are operated may be enlarged or expanded if the enlargement or expansion neither creates any new nonconformity nor

increases the degree of the existing nonconformity of all or any part of such structure or site and the enlargement or expansion can be made in compliance with all of the provisions of this ordinance with respect to the district in which it is located. Such enlargement or expansion shall also be subject to all other applicable city ordinances.

#### 10.4.5 **Loss of Nonconforming Status; Damage or Destruction**

##### (1) **DAMAGE OR DESTRUCTION OF A NONCONFORMING STRUCTURE OR SITE**

If a Nonconforming Structure or Site is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner that the Structure is uninhabitable and the Nonconforming Structure is voluntarily demolished or is required by law to be demolished, the Structure shall not be restored unless it complies with all the regulations of the zoning district in which it is located. If a Nonconforming Structure is involuntarily destroyed in whole or in part due to fire or other calamity (such that the destruction does not exceed 50 percent of the fair market value of the improvements) and the Structure has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and no prior nonconformity is increased.

##### (2) **ACTION BY THE ZONING BOARD OF ADJUSTMENT**

The right to maintain or operate a nonconforming structure or site may be determined by the Board of Adjustment in accordance with the provisions of this Ordinance.

## 10.5 **AMORTIZATION OF NONCONFORMING USES, STRUCTURES OR SITES**

### 10.5.1 **Initiation of Proceedings**

The Administrator, the Zoning Board of Adjustment, or the City Council may request the Zoning Board of Adjustment initiate proceedings to amortize a nonconforming use or structure or site. All actions to amortize a nonconforming use of land or structure or site shall be taken with due regard for the investment of the persons affected when considered in the light of the public welfare, the character of the area surrounding the designated nonconforming use, and the conservation and preservation of property.

### 10.5.2 **Consideration by Zoning Board of Adjustment**

(1) The Zoning Board of Adjustment may require the termination of nonconforming uses of land or structure under a plan whereby the value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood, degree of incompatibility of the nonconforming use or structure, effect of the nonconforming use or structure on the surrounding area, the necessity for all property to conform to the regulations of this ordinance and other factors that the Board considers relevant.

#### (2) **CRITERIA FOR DETERMINING AMORTIZATION PERIOD**

Before the Zoning Board of Adjustment may determine an amortization period, it must consider the following factors:

- (a) The owner's capital investment in the structures on the property at the time the use became nonconforming
- (b) The amount of the investment realized to date and the amount remaining, if any, to be recovered during the amortization period

- (c) Any costs attributable to compliance with the standards in the Ordinance, including demolition expenses, moving/relocation expenses, termination of leases, and discharge of mortgages
- (d) The life expectancy of the investment
- (3) PROCESS: The Board of Adjustment shall conduct a public hearing per the process established in **Article III**.
- (4) If the Board of Adjustment establishes a termination date for a nonconforming use, or structure the use must cease operations on that date and the owner may not operate it after that date unless it becomes a conforming use.

## 10.6 ILLEGAL USES

### 10.6.1 Immediate Termination of Illegal Uses

- (1) The violation of any of the provisions of one or more of the following categories or ordinances or requirements shall cause the immediate termination of the right to operate such nonconforming use:
  - (a) Constructing, maintaining, or operating a use conducted in, or associated with, a building or structure erected without a permit from the city
  - (b) Operating a use or occupying a building or structure without a valid Certificate of Occupancy from the city
  - (c) Operating a use in violation of a valid Certificate of Occupancy
  - (d) Unlawful expansion of a nonconforming use or nonconforming structure
  - (e) Unlawful outside display or storage in required parking spaces
  - (f) Violation of any provision of a federal or state statute with respect to a nonconforming use
  - (g) Violation of any provision of an ordinance of the city with respect to a nonconforming use
- (2) It is the clear intent of this subsection that nonconforming uses that operate unlawfully shall be considered illegal uses. Illegal uses shall not be considered nonconforming regardless of remedial measures taken to resurrect nonconforming status.

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

### Article XI – Definitions

#### 11.1 GENERAL RULES OF INTERPRETATION

Unless the context clearly indicates otherwise, the following rules shall apply in interpreting the terms and provisions of this Ordinance.

##### 11.1.1 MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general purposes set forth in **Article I: General Provisions, Section 1.5, Purpose and Intent**, and the specific purpose statements set forth throughout this Ordinance. When, in any specific section of this Ordinance, a different meaning is given for a term defined for general purposes in this article, the specific section's meaning and application of the term shall control.

##### 11.1.2 HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

##### 11.1.3 LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

##### 11.1.4 COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

##### 11.1.5 REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition, including amendments, of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

##### 11.1.6 DELEGATION OF AUTHORITY

Any act authorized by this Ordinance to be carried out by a specific official of the City may be carried out by a designee of such official.

##### 11.1.7 TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of

the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

#### **11.1.8 PUBLIC OFFICIALS AND AGENCIES**

All public officials, bodies, and agencies to which references are made are those of the City of Ennis unless otherwise indicated.

#### **11.1.9 MANDATORY AND DISCRETIONARY TERMS**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

#### **11.1.10 SYNONYMOUS TERMS**

Unless otherwise specified:

- A. The word “building” includes the word “structure” and the word “structure” includes the word “building”;
- B. The word “lot” includes the words “building site,” “parcel,” “plot,” or “tract”; and
- C. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

#### **11.1.11 CONJUNCTIONS**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply; and
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

#### **11.1.12 TENSES, PLURALS, AND GENDER**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

#### **11.1.13 UNDEFINED TERMS**

For words not defined in this article, refer to the online edition of Webster's Dictionary.

#### **11.1.14 INDEX OF TERMS**

This Article includes an index of terms defined for easy reference.

## 11.2 INTERPRETATIONS

The Administrator has final authority to determine the interpretation or usage of terms used in this Ordinance per the standards established in **Article III: Procedures and Administration**. Any person may request an interpretation of any term by submitting a written request to the Administrator, who shall respond in writing within 30 days. When interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, and general welfare. Nothing in this Ordinance shall be construed as repealing any existing ordinance regulating nuisances.

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## 11.4 GENERAL LAND USE CATEGORIES AND SPECIFIC USE TYPES

This section defines the general use categories and use types listed in the tables of allowed uses (Table 5.1-1) in Section 5.1, the tables of allowed accessory uses (Table 5.3-1) in Section 5.3, and the tables of allowed temporary uses (Table 5.4-1) in Section 5.4.

### 11.4.1 RESIDENTIAL USES

#### A. HOUSEHOLD LIVING

This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "Lodging Facilities" category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Uses types under this category include:

1. Single-Family Detached Dwelling  
A detached dwelling having accommodations for and occupied by only one Family, and that is not attached to any other dwelling by any means, and is surrounding by open space or yards. This definition does not include mobile homes or manufactured homes.
2. Duplex Dwelling  
Shall be a two-family dwelling structure with a common shared wall located on the same lot.
3. Townhouse (SF-Attached) Dwelling  
A building that has two or more single-family dwelling units erected in a row as a single building on adjoining lots, each unit being separated from the adjoining unit(s) by a fire wall along the dividing lot line, and each such building being separated from any other building by space on all sides. Each unit is intended to be occupied by only one Family. Each individual townhouse unit has individual front and rear access to the outside. Townhouse units are typically surrounded by common areas owned and maintained by a property owners' association.
4. Townhouse (Multi-family) Dwelling or Row House  
A building that has at least two but no more than four individual dwelling units on a single lot. Each unit is intended to be occupied by only one Family. Each unit may or may not be separated by a fire wall and shall meet the standards for fire separation between units applicable to a multi-family building. Each individual townhouse unit has individual front and rear access to the outside. This category is distinguished from the Dwelling, multi-family definition by allowing dwelling units to be located side by side and not one over another.
5. Live-Work Dwelling  
A structure or portion of a structure: (1) that combines a work activity with a residential living area; (2) where the work component is limited to the uses of professional offices, artists' workshops, studios, or other similar uses and is located on the street level and may be constructed either as separate units or as a single unit; and (3) where the 'live' component is intended to be occupied by the business operator and may be located on the street level behind the 'work' component or

any other level of the building. Live-work is distinguished from a home occupation otherwise defined herein in that the work use is not required to be incidental to the dwelling unit and customers may be served on site.

6. Multi-Family (4 DU/lot or fewer) Dwelling

A dwelling or group of dwellings on one lot containing separate living units for at least two and no greater than four or more Families, but which may have joint services or facilities. This category shall include duplexes, triplexes, and quadplexes. This category is distinguished from the Dwelling, Townhouse multi-family definition by allowing dwelling units to be located on different floors of the same building.

7. Multi-Family (More than 4 DU/lot) Dwelling

A dwelling or group of dwellings on one lot containing separate living units for more than four Families, but which may have joint services or facilities.

8. Manufactured Home (HUD-Code)

A structure defined by and subject to the requirements of the Texas Manufactured Housing Standards Act, as amended. This definition includes the terms “manufactured home” and “manufactured housing.” This definition shall not include “mobile homes” that are defined as pre-1976 units as defined by Texas Manufactured Housing Standards Act, as amended.

9. RV Park

A recreational vehicle park (RV park) or caravan park is a place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as “sites” or “campsites”. They may also be referred to as campgrounds, though a true campground also provides facilities for tent camping; many facilities calling themselves “RV parks” also offer tent camping or cabins with limited facilities.

B. GROUP LIVING

This use category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of “Household Living.” Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Use types under this category include:

1. Assisted Living Facility ( $\leq 6$  residents)

An establishment, licensed by the State of Texas that furnishes, in one or more facilities, food and shelter to four or more persons but no more than 6 who are unrelated to the proprietor of the establishment, and provides personal care services as defined by the State of Texas. These establishments may be located in single-family homes and share the house with the care giver. This category includes adult foster care homes and adult care group homes.

2. Assisted Living Facility ( $\geq 7$  residents)

An establishment, licensed by the State of Texas, that furnishes, in one or more facilities, food and shelter to seven or more persons who are unrelated to the proprietor of the establishment, and provides personal care services as defined by the State of Texas.

3. **Community, Group, or Foster Home**  
A community-based residential home or facility that provides care for children 24-hours a day as defined and regulated by Chapter 42, Human Resources Code of the Texas State Statutes, or for adults 24-hours a day as defined and regulated by Chapter 123, Human Resources Code, of the Texas state statutes.
4. **Independent Senior Living Facility**  
A facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 60 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.
5. **Nursing Home**  
Establishments in this subcategory provide inpatient nursing and rehabilitative services and can accommodate patients for extended care. These establishments have licensed health care staff serving patients and other support staff for continuous personal care services. Convalescent homes, convalescent hospitals, inpatient care hospices, nursing homes, and rest homes with nursing care are a few examples of services these establishments provide.

#### **11.4.2 PUBLIC AND INSTITUTIONAL USES**

##### **A. CIVIC AND CULTURAL FACILITIES**

Buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public. Specific use types include:

1. **Art Gallery, Museum or Special Purpose Recreational Institution**  
A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, cultural, or scientific value or recreational activity.
2. **Civic, Social, Philanthropic or Fraternal Organizations**  
Any organization operating under a nonprofit or similar charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment-related, recreational, or educational purposes not currently listed elsewhere in this Ordinance. Such an establishment may include the preparation and service of food and/or drink for members and their guests only.
3. **Labor and Political Organizations**  
Any organization promoting the interests of organized labor, union employees, national, state, or local political parties or candidates. Included in this category are labor unions, political groups, and political fund raising groups.
4. **Business or Professional Organizations**  
Any organization promoting the business interests of their members, or of their profession as a whole. They may conduct research on new products and services; develop market statistics; sponsor quality and certification standards; lobby public officials; or publish newsletters, books, or other materials for distribution to their members. Included in this category are Chambers of Commerce, professional organizations, and similar uses.

5. Religious Assembly and Institutions

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

B. PARKS AND RECREATION FACILITIES

Parks, recreation, and open space uses or facilities focus on a range of space types including natural areas, large areas consisting mostly of vegetative landscaping, hardscaping, or outdoor recreation or a combination thereof, community gardens, public greens, public squares, sports playing fields, and public plazas. Land in this category tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include:

1. Community Garden

A facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

2. Farmers' Market

A seasonal and/periodic outdoor market open to the public, operated by a governmental agency, a non-profit, or other community organization at which regular vendors sell locally grown and made produce and products for home consumption.

3. Park or Playground

A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, plazas, square, greens, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.

4. Nature Preserve or Open Space

A Nature Preserve includes protected natural habitats including significant environmentally sensitive areas such as wetlands, woodlands, etc. Public access may be limited to protect the nature preserve and there may be research or educational activities held on the land. Open space is land set aside in its natural or improved state for passive recreation use.

5. Recreation Center

A facility or area for sports or recreation open to the general public for a fee where the activity takes place within an enclosed structure or outside courts and pools. Examples include but are not limited to, gymnasium or indoor arena; basketball, handball, and tennis courts; hockey rinks; swimming pools; and physical fitness centers. This category shall not include entertainment and amusement centers.

C. HEALTH AND HUMAN SERVICES

Health Care Facilities are characterized by activities focusing on medical services,

particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

1. Clinics and Labs

An establishment primarily engaged in furnishing medical and lab services included but not limited to chiropractic, dental, medical, surgical, medical imaging, or other services to individuals on an outpatient basis. This includes the offices of chiropractors, physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care, and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

2. Nursing and Other Rehabilitative Services

This category is differentiated from Nursing Homes in that it includes mental retardation services (not licensed hospital care) to people with mental illness, substance abuse problems, psychiatric convalescent needs, etc. The focus of these services may include health care, but the primary purpose is protective supervision and counseling. Other terms used to describe these services are: alcoholism or drug addiction rehabilitation, mental health halfway houses, group homes for the emotionally disturbed, and psychiatric convalescent homes. Other rehabilitation services establishments in this category include boot or disciplinary camps (except correctional), housing services for hearing or visually impaired, disabled, etc.

3. Hospital

A facility or area for providing human-related health services primarily for in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, emergency rooms, training facilities, central services facilities, food service establishments, retail stores, and staff offices that are an integral part of the facilities.

4. Social Assistance and Welfare Services

Social assistance and welfare services provide public or community related service or charity services directly to individuals. They do not offer residential or accommodation services.

5. Funeral Homes and Services (with or without cremation services)

This category comprises establishments preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories may also be included in this category. If included, crematories are establishments that operate sites or structures reserved for the interment of human or animal remains.

6. Cemetery

A facility or area used or intended to be used for the interment or burial of the dead, including graveyard, burial park, mausoleum, columbarium, or any other area containing one or more graves.

D. PUBLIC AND OTHER GOVERNMENTAL FUNCTIONS

An office of a governmental agency that provides administrative and/or direct services

to the public, such as, but not limited to: post offices, city halls, employment offices, libraries, museums, police and fire stations, or motor vehicle licensing and registration services. This use does not include utilities as defined elsewhere in this Ordinance.

1. Legislative and Executive Functions

This category shall include general government administration functions such as City Hall, County or School District Administration functions.

2. Courts (local, state, and federal)

This category shall include all judicial functions such as courts.

3. Correctional Institutions

These government establishments manage and operate correctional institutions. Their facilities are generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

4. Public Safety Facility

This category comprises government-owned or volunteer establishments providing fire and rescue, police, and emergency response services.

5. Other Government Functions

This category shall be utilized for any other government-owned and/or operated establishments not classified elsewhere in this Ordinance.

E. EDUCATIONAL SERVICE ESTABLISHMENTS

Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Specific use types include:

1. Child Day Care

Child day care establishments primarily care for more than six infants and preschool children and often may offer pre-kindergarten education programs. Some provide care services for older children. These facilities are licensed, certified, or registered by the State to provide their respective services.

2. Nursery and pre-school

These facilities are appropriately licensed, certified, or registered by the State to provide daytime care, training and education for more than six children. This definition may include after-school and summer programs which coincide with the age brackets for public and private schools as provided in this Ordinance.

3. Elementary and Middle Schools

These are public or private educational facilities that provide the appropriate grade school education that satisfies the compulsory education laws of the State of Texas.

4. Senior and High Schools

These are public or private educational facilities that provide the appropriate higher grade school education that satisfies the compulsory education laws of the State of Texas.

5. Colleges and Universities

This category includes public or private junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or

graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training. This category may include a Seminary which is an institution for the training of candidates for the priesthood, ministry, or rabbinate.

6. Technical, trade, and specialty schools

This category includes public or private institutions offer vocational and technical training in a variety of technical subjects and trades such as auto repair, welding, bricklaying, machinery operation, cosmetology, or other similar trades or crafts. The training often leads to job-specific certification.

### 11.4.3 COMMERCIAL USES

#### A. AGRICULTURAL USES

The use of land for purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of farm products and parking of equipment. Specific use types include:

1. Crop Production

An area for raising or harvesting agricultural crops such as wheat, field forage, and other plant crops intended to provide food or fiber.

2. Support functions for agriculture

This category comprises support establishments employed by the agriculture and forestry industries. They perform activities associated with production and distribution of forest and agricultural products. Many support establishments are independently run. This category may include farm and farm labor management, agricultural equipment sales and service, and similar functions.

3. Greenhouse, nursery, floriculture

Establishments in this class grow nursery products, nursery stock, shrubbery, bulbs, fruit stock, sod, and so forth; or, grow short rotation woody trees with a growth and harvest cycle of 10 years or less for pulp or tree stock. This category shall also include floriculture establishments which grow or produce floriculture or ornamental horticulture products (e.g., cut flowers and roses, cut cultivated greens, potted flowering and foliage plants, and flower seeds).

#### B. ANIMAL PRODUCTION AND RANCHING

This category is intended for facilities or areas for raising animals (including fish and birds) and the development of animal products, such as meat, fur, or eggs, on a commercial basis. Typical uses include beef, horse, or sheep ranching; other cattle for meat production; poultry; dairy; and fish farming. Establishments keep, graze, breed, or feed animals in ranches, farms, or feedlots. This use does not include raising animals to sell as pets. This category shall not include slaughter houses.

1. Cattle Ranches

Establishments in this category raise cattle for dairy farming or feed cattle for fattening purposes.

2. Sheep and Goat Farming

These establishments raise sheep, lambs, and goats, or feed lambs for fattening. Sheep or lambs may be raised for sale or wool production.

3. Fish Hatcheries and Aquaculture

This class comprises establishments that farm raise finfish, shellfish, or any other kind of animal aquaculture. These establishments use some form of intervention in the rearing process to enhance production, such as holding in captivity, regular stocking, feeding, or protecting from predators.

4. Apiculture

This class comprises establishments raising bees. These establishments collect and sell honey; and sell queen bees, packages of bees, royal jelly, bees' wax, propolis, venom, or other bee products.

5. Horse and Equine Farming

This class comprises establishments raising horses, mules, donkeys, and other equines.

C. ANIMAL-RELATED SERVICES

The boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

1. Veterinary Clinic

A facility for the diagnosis, treatment, or hospitalization of animals. The incidental boarding or breeding of animals is included in this definition.

2. Kennel, Commercial

A facility or area for keeping four or more dogs, cats, or other household pets or where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition does not include a veterinary clinic (as defined in this Ordinance), a pet store, or an animal grooming shop.

3. Stables, Commercial

A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

4. Pet and animal related sales and services (including grooming and care)

These establishments provide animal and pet care services (except veterinary), such as boarding, grooming, sitting, and training.

5. Animal Related Service with outdoor runs

These establishments shall include any animal related use that has fenced outdoor areas for animals associated with the primary use.

D. AUTO-RELATED SALES AND SERVICE

This category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair, storage, and offices. Specific use types include:

1. Motor Vehicle Sales, New

A motor vehicle retail establishment or "car dealer" operated by a franchised dealer. A "franchised dealer" means a person who holds a franchised motor vehicle dealer's license issued under the Texas Transportation Code, and is engaged in the business of buying, selling, or exchanging new motor vehicles and servicing or repairing motor vehicles under a manufacturer's warranty at an established and permanent place of business under a franchise in effect with a manufacturer or



distributor. For purposes of this definition, motor vehicles are not considered outside storage. Accessory uses may include the sale of used motor vehicles, auto service, and auto repair activities, as defined elsewhere in this Ordinance.

2. **Motor Vehicle Sales, Used**  
An establishment operated by a non-franchised or independent dealer, and is engaged in the business of selling used motor vehicles. A “used motor vehicle” is a vehicle that has been sold to a retail customer for purposes other than resale.
3. **Large vehicle sales and service**  
These establishments retail new or used larger vehicles (not included in car dealers’ category), such as buses, recreational vehicles (RVs), motor homes, and large trucks. Often these establishments also provide repair services and sell replacement parts and accessories.
4. **Specialty Vehicle Sales, New**  
This class comprises establishments retailing new specialty vehicles. Specialty vehicles include motorcycles, motor scooters, motor bikes, mopeds, off-road all-terrain vehicles, boats, jetskis, and other similar vehicles and trailers. Included in this category are repair services and sales of replacement parts and accessories.
5. **Specialty Vehicle Sales, Used**  
This class comprises establishments retailing used specialty vehicles. Specialty vehicles include motorcycles, motor scooters, motor bikes, mopeds, off-road all-terrain vehicles, boats, jetskis, and other similar vehicles and trailers. Included in this category are repair services and sales of replacement parts and accessories.
6. **Auto Repair and Service, Minor**  
A facility or area for the servicing and minor repair of motor vehicles within enclosed service bays or stalls. Typical services include the retail sale and dispensing of lubricating oils, tires, filters, and other limited repair and maintenance work including the replacement of new or reconditioned parts in motorized vehicles of 10,000 pounds or less gross vehicle weight. Does not include the overnight, outdoor storage of customer vehicles. This definition includes quick-lube shops and tire shops, but does not include any operation included in the definition of “Auto Repair and Service, Major.”
7. **Auto Repair and Service, Major**  
A facility or area that includes overnight, outdoor storage of customer vehicles but not the storage of salvage vehicles, for one or more of the following activities:
  - a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over 10,000 pounds gross vehicle weight.
  - b. Collision services, including body, frame, or fender straightening or repair.
  - c. Overall painting of vehicles or painting of vehicles in a paint shop or paint booth.
  - d. Dismantling of motorized vehicles in an enclosed structure.
8. **Car and Truck Wash**  
A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be:
  - a. A single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or
  - b. A tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

9. Auto-Related Parts and Accessory Sales  
Primarily comprising of automotive supply stores, these establishments retail new, used, or rebuilt automotive parts and accessories. They may also include repair and installation services. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops.
10. Any retail use with Gasoline Sales Pumps  
A facility or area for the retail sale of motor vehicle fuel dispensed from pumps which typically includes the canopy, circulation, and stacking areas.

E. RETAIL SALES

Retail sales establishments sell merchandise directly to the general public from a fixed point-of-sale location. Retail establishments are designed to attract a high volume of walk-in customers and they often have displays of merchandise and sell to the general public for personal or household consumption. Accessory uses may include offices, parking, primarily indoor storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

1. Furniture and home furnishings  
These establishments sell products, such as household furniture (e.g., baby furniture box springs and mattresses) and outdoor furniture, office furniture (except those sold in combination with office supplies and equipment), floor coverings (rugs, carpets, vinyl floor coverings, and floor tile not only ceramic or wood), and window treatments (curtains, drapes, blinds, and shades). Some of these items may be sold in combination with major appliances or home electronics, or in combination with installation and repair services.
2. Building Materials, Home and Garden Centers  
These establishments include the retail sale of home building and repair, lawn, and garden supplies, and construction materials such as brick, lumber, and other similar materials. They may also sell other products, such as plumbing goods, electrical goods, tools, housewares, hardware, and home appliances.
3. Swimming Pool, Spa, and accessory sales and service  
These establishments are for the sales, general repair, and maintenance of swimming pools or spas and accessories, including but not limited to outdoor furniture, mechanical equipment, and chemicals.
4. Department Store, Superstore, or Warehouse Club  
These establishments are unique in that they have the equipment and staff capable of retailing a large variety of consumer goods from a single, and relatively large location (generally over 80,000 sq.ft.). They retail a wide range of products with no one merchandise line predominating. Products may include: apparel, furniture, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, and sporting goods. Merchandise lines may be arranged in separate departments. Use this classification for establishments known as warehouse clubs, superstores or supercenters retailing a general line of groceries in combination with general merchandise.
5. Electronics and Appliances  
Establishments in the electronics and appliance stores class retail electronics and appliance merchandise from point-of-sale locations. Products sold at these establishments include household-type appliances, cameras, televisions, stereos,

and other electronic goods. These establishments often sell computer hardware and software along with other lines of merchandise.

6. Durable Consumer Goods Sales  
Establishments in this retail sales category offer a wide range of product lines that often include: clothing, florists, sporting goods, art supplies, shoes, jewelry, toiletries, cosmetics, photographic equipment, toys, books & magazines, furniture, furnishings, appliances, electronics, automotive parts, and dry goods. Examples of such establishments are: department stores, warehouse clubs, superstores or super centers (with the exception of grocery stores).
7. Grocery Store or Supermarket  
Supermarkets and other grocery (except convenience) stores retail a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this class are meat and seafood markets, delicatessen-type establishments, and establishments retailing baked goods (usually made off-premises). These establishments may include pharmacies, banks, or cafes.
8. Convenience Store  
Convenience stores or food marts (except those with fuel pumps) primarily retail a limited line of goods that generally includes milk, bread, soda, and snacks. In high traffic or tourism corridors, they also sell gifts, crafts, maps, and other goods normally associated with travel and tourism.
9. Beer and Wine Sales  
These include any retail sales establishment that also sells packaged alcoholic beverages, such as ale, beer, and wine for off-premise consumption only.
10. Pharmacy or Drug store  
Pharmacies and drug stores primarily retail prescription or nonprescription drugs and medicines. They may include other household convenience items and cosmetics.
11. Cosmetics and beauty supplies  
Shall be considered as Durable Consumer Goods
12. Firearm Sales  
A retail store used for the sale, vending, dealing, exchange, or transfer, of firearms, with or without the sale of ammunition and/or firearm accessories.
13. Pawn Shop  
A building or premise (other than a bank, savings and loan, or mortgage banking company) used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, and for the retail sale of pawned or repurchased items.
14. Used Goods Sales  
Establishment for the sale of any goods, materials, or other articles of merchandise that are not new. This definition includes items that have been used or worn previously by another, consignment stores, antique malls, and "cash for gold" businesses.
15. Specialty Retail and Paraphernalia Sales  
Establishment where the primary use of the building or lease space includes any one or any combination of the following: the sale of cigarette papers, e-cigarettes, vapors, bongos, or other smoking accessories. This definition shall include head

shops and vapor shops.

16. Any retail sales use with outdoor storage

This category shall include any use under the Retail Sales category that includes outdoor storage of merchandise and equipment (with the exception of automobiles).

17. Any retail sales use with drive-thru facilities

This category includes any use under the Retail Sales category that includes drive-thru or drive-up facilities where customers are served without leaving their vehicles.

F. FINANCIAL AND REAL ESTATE SERVICES

This category includes a range of uses related to retail banking and financial services to individuals and businesses. Specific use types include:

1. Bank, Investment, or Financial Institution (without drive-thru service)

An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, offices, and parking. This category excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses. Additionally, it excludes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code that also offer services as credit access businesses under Chapter 393 of the Texas Finance Code.

2. Bank, investment, or Financial Institution (with drive-thru service)

An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive-thru service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses. Additionally, it excludes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code that also offer services as credit access businesses under Chapter 393 of the Texas Finance Code.

3. Alternative Financial Institution

A payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code. If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a 'credit service organization' and/or a 'credit access business' under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

4. Real Estate Services

Establishments in this category comprise of those that are in the business of selling or leasing real estate including residential, retail, office buildings, manufactured homes and sites, vacant lots, and acreage. It also includes real estate appraisers (which estimate the market value of real estate), and other establishments

performing real estate related services while not leasing buildings.

5. Property Management Services

This category comprises establishments that manage real property for others. Management includes performing various services associated with overall operation of property, such as collecting rents, and overseeing services such as maintenance, security, and trash removal. Included in this category are owner-lessees and establishments renting real estate and then acting as lessees in subleasing it to others. Establishments may manage the property themselves or have another establishment manage it for them.

G. RENTAL AND LEASING SERVICES

Establishments in the rental and leasing category include establishments that provide tangible goods, such as computers, video games, consumer goods, and industrial machinery and equipment, to customers in return for a periodic rental or lease payment. This category does not include car and truck rental which are included in the Auto-related sales and service category.

1. Car Rental

A facility for the rental of cars and passenger truck vehicles. Vehicles kept on the lot for rental purposes are not considered to be outside storage.

2. RV, Trailers, and Truck Rental

Establishments in this classification rent or lease trucks, truck tractors or buses, semi-trailers, utility trailers, RVs (recreational vehicles), or off-highway transportation equipment.

3. Recreational and Consumer Goods Rental

These establishments rent recreational goods, such as skis, canoes, bicycles, sailboats, etc. This category also includes establishments that rent personal and household type goods. Establishments generally provide short-term rental although in some instances, the goods may be leased for longer periods of time. These establishments often operate from a retail-like or store-front facility. Rental items include: home health equipment; consumer electronics equipment, such as televisions, stereos, and refrigerators; clothing, such as formal wear, costumes, (except laundered uniforms and work apparel); furniture; and party supplies.

4. Commercial and Industrial Machinery Leasing and Rental

These establishments rent or lease: a) office machinery and equipment, such as computers, office furniture, duplicating machines (i.e., copiers), or facsimile machines; b) heavy equipment without operators used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, well-drilling machinery and equipment, or cranes; c) other non-consumer machinery and equipment, such as manufacturing equipment; metalworking, telecommunications, motion picture, or theatrical equipment; institutional (i.e., public building) furniture; or agricultural equipment without operators.

5. Video, Music, and Software Rental

These establishments rent video, music, software, and other intellectual property.

H. FOOD AND BEVERAGE SERVICES

Businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Specific use types include:

1. Bar or Drinking Establishment  
An establishment, licensed by the State for the sale of alcoholic beverages, that derives more than 75 percent of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption.
2. Full-service Restaurant  
Full-service restaurants provide food services to patrons who order and are served while seated (i.e. waiter/waitress service) and pay after eating. They may provide this service in combination with selling alcoholic beverages, providing takeout services, or presenting live nontheatrical entertainment. If alcoholic beverages are sold for on-premise consumption, such sales may not constitute more than 75% of the gross sales of the establishment.
3. Café or self-service Restaurant  
These provide self-service food services where patrons order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' location. Some establishments in this category may provide food services in combination with selling alcoholic beverages as long as such sales constitute no more than 75% of the gross sales of the establishment. This category includes cafeterias, which use cafeteria-style serving equipment, a refrigerated area, and self-service beverage dispensing equipment, and which display food and drink items in a continuous cafeteria line.
4. Restaurant with take out or delivery service only  
A food establishment that is open to the public, where food and beverages are prepared primarily for carry-out by the consumer or delivery by the establishment and not for consumption on the premises. This classification may include pizza delivery, specialty food and beverage shops, or baked goods shops. This classification does not include mobile food establishments.
5. Snack, coffee, juice, ice cream, or specialty food sales  
These prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, or popcorn, or serve nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. These establishments may carry and sell a combination of snack, nonalcoholic beverage, and other related products (e.g., coffee beans, mugs, and coffee makers) but generally promote and sell a unique food or beverage item.
6. Catering Service  
A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.
7. Any food and beverage establishment with drive-thru or drive-up facility  
This category shall include any food and beverage establishment with drive thru or drive-up facilities where customers are served without having to leave their vehicles.
8. Any food and beverage establishment with outdoor or sidewalk service  
Any outdoor eating and/or drinking area located on a public sidewalk or parkway and containing removable tables, chairs, planters, or related appurtenances.

**I. LODGING FACILITIES**

This category includes for-profit establishments where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include:

**1. Bed and Breakfast Establishment**

A bed and breakfast (B&B) establishment is defined as a private residence that offers sleeping accommodations to lodgers in 5 or fewer rooms for rent, is the innkeeper's principal residence while renting rooms, and serves breakfast at no extra cost. A lodger is a person who rents a room in a B&B establishment for less than 30 days.

**2. Limited Service Hotels/Motels, including extended stay or residence hotels**

A building or group of buildings providing transient lodging accommodations to the general public for compensation, where each guest room may be accessed from an interior or exterior hallway. Accessory uses may include meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests. This definition shall not include other dwelling units as defined by this Ordinance.

**3. Hotel, Full Service**

A building or group of buildings providing transient lodging accommodations to the general public for compensation, where each guest room is accessed from an interior corridor, and that includes ancillary facilities and services such as restaurants, meeting rooms, personal services, recreational facilities, daily housekeeping service, and 24-hour front desk service.

**J. BUSINESS, PROFESSIONAL, AND TECHNICAL SERVICES**

This category includes a range of office and business services and facilities that include executive, management, administrative, medical, professional and business support services not specifically listed elsewhere in this Ordinance, but not involving the sale of merchandise except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

**1. Offices for business, professional, or technical services**

This category includes offices for corporate, professional, scientific, and technical services for others. Such services require a high degree of expertise and training. This category includes call/customer service centers, offices for real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, research and development, and similar offices.

**2. Offices for Administrative Services**

Typical office establishments in any business area fall in this category. They provide a variety of standard administrative services. These establishments are typically associated with white-collar workers. These may be independent establishments or part of conglomerates that serve one or more companies.

**3. Services related to buildings (janitorial, landscaping, cleaning, etc.)**

These establishments provide services, such as pest control, janitorial activities, landscaping, carpet and upholstery cleaning, and other services for buildings and dwellings.

**4. Medical and Dental Offices**

These establishments include offices for medical, dental, and related professionals.

**K. PERSONAL SERVICES**

This category includes establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

**1. General Personal Services**

An establishment, whether for compensation or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Typical examples include barber/beauty shop, spa/salon, shoe repair, tailor, laundry or dry cleaning services, handcrafted or instructional arts studio, photography studio, safe deposit boxes, travel bureau, house cleaning services, weight reduction centers, florist (excluding greenhouses), or pet grooming shop. Boarding is not an incidental use to pet shops or pet grooming shops. This category shall not include the specific categories defined below.

**2. Bail bond services**

An establishment that solicits, negotiates, and executes bonds or other security to guarantee the appearance in court of a person accused of a crime.

**3. Massage Therapy**

Any building, room, place, or establishment other than where regularly licensed non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by a licensed massage therapist, physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath, with or without the use of therapeutic, electrical, mechanical, or bathing devices.

**4. Tattoo parlor or piercing studio**

An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**L. RECREATION AND ENTERTAINMENT, INDOOR**

This category includes uses that provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

**1. Banquet or Meeting Facility**

An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that



customarily occur in association with banquets, weddings, or receptions.

2. Fitness Club, Gym, or Sports Club

These establishments operate fitness and recreational sports facilities, or, provide services for fitness or recreational sports teams, clubs, or individual activities within enclosed structures. The facilities-operating establishments to be classified here include, but are not limited to: fitness clubs, gyms, enclosed arenas, enclosed recreational ball parks and courts, and more.

3. Games Arcade

A building, facility, or other place that contains one or more mechanical or electronic machines or equipment for amusement. This category shall not include gambling establishments.

4. Skating Rink (ice, roller skating, etc.)

A facility open to the public and used primarily for the activity of ice or roller skating.

5. Bowling, Billiards, Pool, Bingo, etc.

This category comprises establishments operating bowling alleys, billiards or pool tables, or bingo games. These establishments often provide food and beverage services.

6. Indoor Amusement Establishment

This category shall include facilities for a wide variety of sport, entertainment, games of skill, or recreation to the general public for a fee where the activity takes place within an enclosed structure. Examples include but are not limited to bowling, billiards, darts, paintball, laser tag or similar activities; gymnasium or indoor arena; basketball, handball, soccer, and tennis courts; hockey rinks; swimming pools; physical fitness centers; and amusement devices. This category shall not include amusement devices that include gambling games.

7. Shooting Club

This category includes indoor facilities especially designed for the safe discharge and use of handguns, rifles, or other firearms for the purpose of sport-shooting or military/law enforcement training.

8. Theater (movie, music, drama, or dance)

A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

M. RECREATION AND ENTERTAINMENT USES, OUTDOOR

This category includes uses that provide recreation or entertainment activities inside and/or outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. Outdoor Amusement Establishment

This category shall include uses that provide a variety of outdoor activities for entertainment and recreation including amusement rides, basketball, baseball, batting cages, go-cart tracks, tennis courts, amusement and theme parks, water parks, marinas, water sports, and other activities not specifically listed under this general category. This category may include indoor arcade facilities and food and

beverage sales as well.

2. Marina or Yachting Club

Marinas or Yachting Clubs operate docking and storage facilities for recreational/pleasure craft owners. They may retail fuel and marine supplies, and may repair, maintain, or rent pleasure boats in addition to operating facilities.

3. Golf Course

A tract of land laid out with a course having nine or more holes for the playing of golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.

4. Country Club

A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.

5. Shooting Club

A facility or area for the sport of shooting at targets to test accuracy in rifle, pistol, or archery practice, owned or operated by a corporation, association, or persons, and conducted outside of an enclosed structure. This category includes skeet shooting facilities, target ranges, archery, and similar activities.

6. Miniature Golf Establishment

These establishments operate miniature golf courses, and typically provide the necessary equipment to patrons. These establishments are distinct from golf courses and country clubs and may be in conjunction with other outdoor or indoor recreation and entertainment uses.

N. OTHER COMMERCIAL USES

1. Surface Parking Lots

As a principal use, a surface parking area that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

2. Structured Parking

As a principal use, a structure for parking that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

3. Sexually-Oriented Business

This category shall include any commercial enterprise in which the primary business is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customers. This category shall include, but not be limited to, adult arcades, adult bookstores or adult video stores, adult cabarets, adult motels, adult motion picture theaters, or nude model studios.

#### 11.4.4 INDUSTRIAL USES

##### A. MANUFACTURING

This category includes establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included, such as establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include:

1. Food and Beverage Processing

A facility or area in which food for human consumption in its final form, such as candy, baked goods, tortillas, soda, beer, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is excluded from this definition.

2. Microbrewery, micro distillery, winery

A microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A micro distillery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of distilled spirits and other liquors. A winery is a facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24 percent alcohol by volume.

3. Paper and Printing Materials

Establishments in this category primarily manufacture paper and offer printing-related products. Excluded are photosensitive papers, which are classified in chemical and plastics. Printing establishments print products (e.g. newspapers, books, periodicals, and greeting cards) and perform support activities, such as bookbinding, plate making services, and data imaging. Clothing printers are included if their primary activity is printing, not clothing manufacturing (e.g. T-shirt printing is included, but fabric printing is not).

4. Furniture and related products

These establishments manufacture furniture and related articles, such as mattresses, window blinds, cabinets, fixtures, furniture parts, and frames. Processes include the cutting, bending, molding, laminating, and assembling of materials, such as wood, metal, glass, plastics, and rattan. Aesthetic and functional design also plays an important part in the production of furniture. Design services may be performed by the furniture establishment's work force or may be purchased from industrial designers.

5. Machinery, Appliance, Electrical Equipment, Electronics, and components

Establishments in this subcategory include a range of manufacturing activities. It includes establishments that make machinery for particular applications, such as agriculture, construction, mining, ventilation, industrial/commercial heating and cooling, and metalworking. It also includes establishments manufacturing electrical products, including motors and generators and manufacturers of household appliances, including heaters, refrigerators, and air conditioners.

6. **Transportation Equipment and Automobiles**  
Establishments in this subcategory produce equipment for transporting people and goods. Although transportation equipment is a type of machinery, assembly tends to be distinct from the production processes common in the machinery manufacturing.
7. **Miscellaneous Manufacturing**  
This category includes all other manufacturing establishments not classified elsewhere. Some of these include jewelry, silverware, dolls, toys, games, musical instruments, office supplies, inks, and signs.
8. **Chemicals, Metals, and Heavy Manufacturing**  
Establishments in this category transform or refine chemicals or metals, and manufacture products from chemicals or metals. Establishments in this category include petroleum or coal products; chemical, plastics, or rubber products; or primary metal manufacturing.

#### B. WHOLESALE TRADE

Wholesaling is an intermediate step in the distribution of merchandise. Wholesalers either sell or arrange the purchase of goods to other businesses and normally operate from a warehouse or office. They may be located in an office building or a warehouse. Unlike retailers, their warehouses and offices have little or no display of merchandise. Whether the establishment is in a warehouse or an office building depends on a combination of activity and structure-type dimensions. Subcategories include durable and nondurable goods.

1. **Durable Goods**  
Establishments in the durable goods subcategory sell or arrange the purchase or sale of capital or durable goods to other businesses. These establishments wholesale products, such as motor vehicles, furniture, construction materials, machinery and equipment (including household-type appliances), metals and minerals (except petroleum), sporting goods, toys and hobby goods, recyclable materials, and parts. Durable goods generally have life expectancy of at least three years.
2. **Nondurable Goods**  
Establishments in the nondurable goods subcategory sell or arrange the purchase or sale of nondurable goods to other businesses. These establishments wholesale products, such as paper products, chemicals, drugs, textiles, apparel, footwear, groceries, farm products, petroleum products, alcoholic beverages, books, magazines, newspapers, flowers, and tobacco products. Nondurable goods generally have a life expectancy of less than three years.

#### C. WAREHOUSE AND STORAGE

These service establishments operate warehouse and storage facilities for wholesale

trade, general merchandise, refrigerated goods, and other warehouse products. They provide the facilities to store goods but do not sell the goods they handle. They may also provide a range of services related to the distribution of goods, such as labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement. This category also includes commercial mini-storage or self-storage facilities. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

1. Cold Storage Plant

A facility or area where refrigerated or frozen materials are processed, sold, packaged, or kept in protective storage, such as food, furs, or other products.

2. Distribution Center or Warehouse

This category includes buildings or areas for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

3. Self-Storage or Mini Storage

A facility or area where enclosed storage space, divided into separate smaller compartments, is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment at another location. Related activities, such as retail sale of packing and moving materials and the rental of moving equipment, including vans and trucks, are allowed as incidental uses.

4. Any Industrial Use with Outdoor Storage

This category includes any use in the Industrial use category that provides outside (with or without roof) storage of equipment, inventory and materials, or finished products.

D. CONSTRUCTION RELATED BUSINESSES

These establishments either build buildings or structures, or perform additions, alterations, reconstruction, installation, and repairs. They may also provide building demolition or wrecking services. Establishments engaged in blasting, test drilling, landfill, leveling, earthmoving, excavating, land drainage, and other land preparation are included as well. This category reflects the unique processes and site needs such as equipment and material storage, etc. of these establishments.

1. Machinery related contractor's yards and storage

A facility or area for the outdoor storage of building materials, tools, heavy machinery, dump trucks, or commercial and heavy equipment used in relation to construction uses and related businesses.

2. Specialty Trade Contractors

Establishments in this category specialize in construction activities, such as plumbing, painting, and electrical work. Special trade contractors usually work at the job site, although they may have shops for storage, prefabrication and other work. Specialty trade contractors include carpentry, floor, tile, roof, concrete, electrical, glass, glazing, masonry, drywall, painting, plumbing, HVAC, and similar activities.

3. Asphalt or Concrete Batch Plants  
A facility or area, which is not temporary in nature, for mixing concrete or asphalt.
4. Excavation Related Services  
These establishments provide a range of excavation related services needed for development and building construction. Activities performed include shaft drilling, foundation digging, foundation drilling, and grading.
5. Wrecking and Demolition Establishment (including junk or salvage yard)  
These establishments provide wrecking and demolition of buildings and structures; this includes underground tank removal and the dismantling of non-hazardous steel oil tanks. This category also includes establishments that provide wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked, or abandoned automobiles, trucks, tractors, stoves, refrigerators, or machinery of any kind or of any of the parts thereof, or for the maintenance or operation of such place for the accumulation of rubbish of any description such as old iron, glass, paper or other waste that may be used again in some form. Some of these establishments may sell materials derived from demolishing operations.

E. TRANSPORTATION RELATED USES

Physical facilities involved in the movement of people or goods, which may include highways, flight-related facilities, rail transit lines, and other similar facilities.

1. Air transportation related uses  
A facility or area for the landing and taking off of fixed or rotary wing aircraft. This uses shall include any airport terminal, air traffic control towers, aircraft hangars, and other related facilities. It shall also include heliports for the landing and takeoff of helicopters.
2. Rail transportation related uses  
A facility or area for the maintenance, repair, or storage of bus, rail (including freight), or other transit vehicles.
3. Other local, regional, intercity transportation uses (public and commercial)  
This category shall include all other transportation related activities and storage, including but not limited to: school bus transportation, rural and special needs transit operations, local transit, inter-city bus, charter bus, and similar establishments.
4. Taxi and Limousine Service  
These establishments provide passenger transportation by automobile or van, not over regular routes or regular schedules. Taxicab owner/operators, taxicab fleet operators, and taxicab organizations are included. Also included are limousine and luxury sedan establishments, which may provide an array of specialty and luxury passenger transportation services.
5. Courier, Messenger, and Postal Service  
Establishments in this category include courier and messenger services that provide air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers. These establishments may form a network including local, and point-to-point pick-up and delivery. This category also includes USPS establishments that perform one or more postal services, such as

sorting, routing, and delivery on a contract basis. This category shall not include customer service and retail operations of such courier, messenger, or postal service. These shall be considered under the Business, Professional, and Technical Services category or Public or Governmental Functions (USPS).

6. Truck and Freight Transportation Services

Establishments in the truck and freight transportation category provide over the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers. This category includes general freight trucking and specialized freight trucking. General freight transportation establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo. These establishments may be located in conjunction with Warehouse and Storage establishments.

F. UTILITIES AND UTILITY SERVICES

The use of land for lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

1. Utility Lines, Towers or Metering/Pumping Station

Local utilities such as electrical power, telephone, gas, water, and sewer drainage lines; air pollution monitoring stations; in-line facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company.

2. Sewer, Solid Waste, Recycling and Related Services

Establishments in this subcategory collect, treat, and recycle or dispose of waste materials. Establishments locally haul waste materials; operate materials recovery facilities (i.e., sort recyclable materials from trash); provide remediation services (i.e., the cleanup of contaminated sites); operate sewer systems or sewage treatment facilities; or provide septic pumping or other miscellaneous waste management services.

3. Natural Gas, Petroleum, Fuel Related Services

This encompasses: (1) establishments operating fuel (gas or petroleum) distribution systems (e.g., mains, meters); (2) fuel marketers that buy fuel from the well and sell it to a distribution system; (3) fuel brokers or agents that arrange the sale of fuel over fuel distribution systems operated by others; and (4) establishments that transmit and distribute fuel to final consumers.

4. Electric Utility Services (including generating plants and substations)

A facility or area that generates electricity from mechanical power produced by solar, gas, coal, wind, hydraulic power sources, or nuclear fission franchised by the State. This category also includes electric transmission lines, substation facilities for transforming electricity for distribution to individual customers.

5. Telecommunications Equipment and Facilities (building mounted)

This category includes any telecommunications equipment and facilities attached to an existing building or tower not built for the exclusive purpose of hosting such facilities or equipment.

6. Telecommunications Towers

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to lattice towers, guyed towers, and monopole towers. The term does not include a clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae. Towers may be freestanding or building-mounted, and may be concealed or unconcealed. An auxiliary structure housing electronic communications equipment is permitted as part of this use. The following definitions shall apply to terms related to telecommunications towers and equipment standards per this Ordinance:

  - a. Antenna

Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves. Antennae may be mounted on towers or on buildings, and may be concealed or unconcealed.
  - b. Antenna Array

An arrangement of antennae and their supporting structures.
  - c. Antenna, Dish

An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern.
  - d. Antenna, Panel

An antenna which receives and/or transmits signals in a directional pattern.
  - e. Antenna, Stealth

An antenna that is effectively camouflaged or concealed from view.
  - f. Antenna, Telecommunications

An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height, and whip antennas less than four inches (10 centimeters) in diameter and less than 10 feet (three meters) in height.
  - g. Antenna, Whip

An omni-directional dipole antenna of cylindrical shape that is no more than six inches (15 centimeters) in diameter.
  - h. Tower, Stealth

A clock tower, church steeple, bell tower, utility pole, light standard, flagpole, or similar structure, designed to support and camouflage or conceal the presence of telecommunications antennae. This definition includes a monopole tower with antennae concealed inside the tower.
7. Small Cell or Network Nodes

This category shall include equipment at a fixed location that enables wireless communications between user equipment and a communications network as regulated and defined by Chapter 284 of the TXLGC.
8. All other Utility related uses (Other Than Listed)

A facility or area for a utility installation not specifically listed in this Ordinance.

#### **11.4.5 ACCESSORY USES AND STRUCTURES**



A. ACCESSORY BUILDINGS OR USE

A structure or use that:

1. Is clearly incidental to and customarily found in connection with a principal building or use and is located on the same lot as the principal building or use served;
2. Is subordinate to and serves a principal building or a principal use and is subordinate to the principal building or principal use served;
3. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or use served; and
4. When more than fifty percent of the wall of an accessory building is a part of the wall of the principal building.

B. CARE TAKER'S QUARTERS

A dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping.

C. CARPORT

A roofed structure with two or more open sides used for vehicle shelter and parking. A carport may either be free standing or attached to the primary building.

D. COMMUNITY CENTER, PRIVATE

A facility or area that is an integral part of a residential subdivision or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

E. ACCESSORY DWELLING UNIT (GARAGE)

A separate, second dwelling unit (also known as a granny flat) from the primary residence on a lot for use as an independent residential use. Such a unit may be constructed as part of a residential garage (attached or detached) or accessory structure on the lot. The secondary living unit is only for use by family members or relatives.

F. ACCESSORY DWELLING UNIT (PRIMARY STRUCTURE)

A separate, second dwelling unit (also known as a granny flat) from the primary residence on a lot for use as an independent residential use. Such a unit may be located in the primary structure and may have a separate outside entrance. The secondary living unit is only for use by family members or relatives.

G. RESIDENTIAL GARAGE (DETACHED)

An enclosed and detached structure that is accessory to the primary residence and designed for the parking and storage of vehicles by the occupants of the building, and with no facilities for mechanical service or repair of a commercial or public nature.

H. SURFACE PARKING

Shall be the provision of unenclosed off-street parking located directly on a paved surface on land. Surface parking may have overhead protection, but open on the sides.

I. STORAGE SHED (RESIDENTIAL)

Shall be a non-habitable structure on the lot for storage of household and related items.

J. SWIMMING POOL, PRIVATE

A swimming pool constructed for the exclusive use of the residents of a single-family or multi-family development.

K. HOME-OCCUPATION

A business or occupation, undertaken by a resident of the property that is customarily conducted in a residential dwelling unit and that is clearly incidental and secondary to the use of the dwelling.

L. ELECTRIC VEHICLE CHARGING STATION

A public or private surface parking space served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

M. OUTDOOR STORAGE

Shall include any area (including maneuvering area) on a site used for the long term (more than twenty-four hours) retention of materials, machinery, equipment, and/or commodities, including raw, semi-finished, and finished materials, whether such materials, machinery, equipment, or commodities are to be bought, sold, repaired, stored, incinerated, or discarded. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage.

N. OUTDOOR DISPLAY AND SALES

This category shall include either temporary or permanent uses outside of a completely enclosed building or structure used to display goods for sale to the general public. The outside display and storage shall be subordinate to retail sales or similar business establishment within a building or enclosed structure. This includes but is not limited to garden supplies, building supplies, sidewalk sales, seasonal sales, and plant materials.

O. RECYCLING COLLECTION CENTER

An enclosed trailer, storage box or facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, plastic, paper, clothing, or similar materials for recycling purposes. This definition includes automated can banks that crush cans as they are deposited. This definition does not include donation boxes for clothing, toys, household goods, and similar items.

P. SIDEWALK CAFÉ

Any outdoor eating and/or drinking area located on or adjacent to a public sidewalk or parkway and containing removable tables, chairs, planters, or related appurtenances.

#### 11.4.6 TEMPORARY USES

A. CONSTRUCTION OFFICE

A facility or area used as a temporary field construction office.

B. CONSTRUCTION RELATED STORAGE YARD

A facility or area for the temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct.

C. TEMPORARY REAL ESTATE SALES OFFICE

A facility or area used as a temporary office to sell real estate within a specified area or subdivision.

D. MODEL HOME

A house in a newly built development that is furnished and decorated to be shown to prospective buyers.

E. FESTIVALS AND CIVIC EVENTS (INCLUDES CARNIVAL, CIRCUS, OR AMUSEMENT RIDES)

A facility or area for a temporary traveling show or exhibition that has no permanent structure or installation, including but not limited to a carnival, circus, or riding device(s) operated for a fee.

F. GARAGE SALES

Shall mean the periodic sale of miscellaneous household goods, often held in the garage or front yard of someone's residence.

G. TEMPORARY STORAGE CONTAINERS OR PODS

Shall mean purpose-built, box-like containers designed for temporary storage of goods and/or equipment typically used during moving or remodeling. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

H. SEASONAL SALES

Shall include temporary outside display and sales of products related to seasonal events including but not limited to fall, winter, spring, and summer events and holidays.

I. ANY OTHER TEMPORARY USE OR STRUCTURE (OTHER THAN LISTED ABOVE)

Shall include all other temporary uses or structures not defined in this section.

## 11.5 Subdivision Related Terms Defined

This section shall define all the terms related to Subdivision Regulations primarily located in Article IX.

### **Access**

Ingress and egress between the site and a paved public street, private street, or approved access easement.

### **Adequate Public Facilities**

The minimum level of service required for transportation, utilities, drainage, and other City services to serve the proposed development, taking into account surrounding development and as identified in the city's long-range plans.

### **Best Management Practices**

Shall be the collection of methods or techniques developed by an industry reputable organization as found to be the most effective and practical means in achieving a public objective such as Stormwater Management, Traffic Management, Pollution or Water Quality Management, etc.

### **City Engineer**

Is a registered professional engineer on the city staff or a consulting firm of registered professional engineers designated to represent the city.

### **City Services**

See Public Utilities or Utilities

### **Cul-de-sac or Dead End Street**

A street with an approved turnaround having only one common entry and exit.

### **Dedication**

The designation of land set aside by the developer for public purposes.

### **Deed**

Is a legal document by which an asset owner (the grantor) transfers his or her right of ownership (title) in an asset to another party (the grantee).

### **Development Agreement**

A developer's agreement or development agreement is a legally binding contract between the City and a developer, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property, especially as it relates to public improvements that will ultimately have to be accepted by the City.

### **Financial Guarantee**

Is the developer's financial guarantee required by the City to execute Developer's Agreements.

### **Development Approval**

Shall include any type of permit, application, or approval from the city as required in this Ordinance.

### **Easement**

The granting of one or more property rights by the owner to a person, property, government agency, or public utility for a specific purpose.

### **Escrow**

Money placed in the possession of the City to accomplish a purpose set out in this Ordinance, including funds for any public improvements necessitated by the development that cannot

reasonably be constructed at the time of development.

**Filed of Record**

Plats and other legal instruments that are filed in the Plat Records or Deed Records of Ellis County, Texas.

**Financial Guarantee**

Is a non-cancellable indemnity bond backed by an insurer or other instrument approved by the City to take responsibility for any financial obligation of the developer for any public improvements if the developer cannot meet his or her obligation.

**Fire Marshall or Fire Chief**

Is the person responsible for the administration of the City's adopted Fire Code including fire protection, prevention and investigation.

**Floodplain**

As defined by FEMA and shown on the current FEMA map for the property

**Floodway**

As defined by FEMA and shown on the current FEMA map for the property.

**Highway Capacity Manual (HCM)**

Is the official publication by the Transportation Research Board (TRB), current edition.

**Infrastructure Design Standards**

Shall be a collective reference to all of the city's technical and engineering design standards for the design, construction, and inspection of all public and private infrastructure that may be adopted as different manuals, guides, and/or codes.

**Intersection Offsets**

Shall be a jog in a street which creates two intersections instead of one intersection.

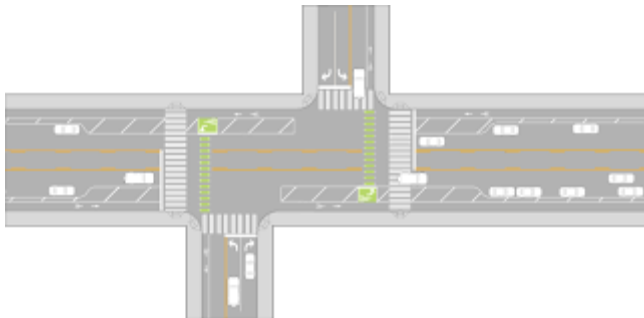


Figure 11.4-1 Image of an Intersection Offset

**Level of Service (LOS), Roadway**

As a qualitative measure used to relate the quality of traffic service. LOS is used to analyze streets by categorizing traffic flow and assigning quality levels of traffic based on performance measure like speed, density, etc.

**Maintenance Bond**

Shall be the legal binding agreement required by the developer after the construction of any public improvements for financial surety (bond) to cover any cost the city has to incur in maintaining any of the public improvements constructed by the developer for a period of two years after the city has accepted such improvements. AV rated carrier authorized to do business in the State of Texas

and registered with the Texas Insurance Commission.

**Metes and Bounds**

Is the boundaries or limits of a tract of land especially as described by reference to lines and distances between points on the land.

**Monuments**

Is a permanent marker set by a land surveyor to mark or reference a point on a property or land line which is permanently marked or tagged with the certificate number of the land surveyor setting it.

**Natural Creek**

An existing drainage feature in its natural undisturbed state that has not been graded, filled, modified, cleared, or created by equipment. Natural creek also includes areas that have been naturalized or restored to mimic an undisturbed state.

**Off-site**

All areas that lie outside the boundary of the proposed development.

**On-site**

All areas that lie within the boundaries of a development, including areas proposed to be dedicated to the public.

**Performance Bond**

Shall be an acceptable instrument of financial guarantee provided by a developer to the city for the cost of completion of all public improvements on a development in case the developer fails to complete the project per the approved Developer's Agreement. AV rated carrier authorized to do business in the State of Texas and registered with the Texas Insurance Commission.

**Plat**

The plan or map for the development to be filed for record in the Plat Records or Deed Records of Ellis County, Texas.

**Plat, Amending**

A plat correcting errors or making minor changes to the original recorded plat, as permitted in the Texas Local Government Code.

**Plat, Final**

The instrument that becomes the official, accurate permanent record of the division of land.

**Plat, Minor**

A subdivision resulting in four or fewer lots and that does not require the creation of any new public street or the extension of municipal facilities.

**Plat, Preliminary**

A preliminary plan or map indicating the proposed arrangements of streets, lots, easements, public facilities, and other spaces in the development.

**Plat Vacation**

A plat that returns platted property to the condition of the property prior to the filing of the latest plat filed of record.

**Pollution**

The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animals,

life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

**Private Access Easement**

An easement across private property that provides access to one or more lots.

**Public Facilities**

Transportation, utility, drainage, park, and other City services required to serve a development.

**Public Improvements**

Shall be the construction of any public water and sewer utility, drainage ditch, roadway, parkway, sidewalk, pedestrian way, or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

**Public Utility or Utilities**

The City of Ennis and any corporation or authority franchised by the City of Ennis to provide water, sewer, refuse collection, natural gas, electricity, telecommunication, or similar services on a community-wide basis.

**Reserve Fund**

A reserve fund is a pool of money collected and created by a developer or property owners' association to take care of maintenance, repairs or unexpected expenses of amenities within common ownership of a particular development.

**Rough Proportionality or Roughly Proportional**

Is the legal determination of the proportional impact of a development to any required public improvement or dedication or other exaction.

**Site Development Permit**

Shall be an authorization given by the city prior to the beginning of any subdivision development-related construction.

**Substantive Impact**

Shall be a significant impact that alters the cost, character, density or other element of the development.

**Storm Sewer System**

The system of conveyances owned and operated by the City and designed or used for collecting or conveying stormwater.

**Stub Streets**

Shall be the extension of streets or street ROWs to the edge of the property or development boundary in order to create a future street connection on adjoining land.

**Subdivision**

Is the legal act of dividing property or land into buildable lots with the provision of adequate city infrastructure and utilities.

**Subdivision Identification Signs**

Is the signage identifying a subdivision or master planned development and is usually placed at a major entrance(s) to the subdivision or development.

**Title**

Is a bundle of rights on a piece of property or other asset in which a party has partial or full ownership interest.

**Visibility or Sight Triangle**

Shall be an unimpeded triangular area at all street or driveway intersections to aid in visibility for turning vehicles.

**11.6 General Terms Defined****Accessory Use and/or Structure**

A use or structure that is subordinate in size and purpose to the principal use or structure of the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land. An accessory structure may be attached or detached.

**Accessory Structure, Detached**

A structure that has no wall in common with the principal building or is not under an extension of the main roof of the principal building. Examples of detached accessory structure include, but are not limited to, garages, farm structures, home workshops and tool houses, barns, carports, playhouses, sheds, private greenhouses, enclosed gazebos, storage buildings, boathouses and docks, wind-generating devices, and swimming pool pumphouses. Buildings connected by roofed breezeways are separate buildings.

**Administrator**

Shall be the person(s) appointed by the City Manager responsible for administering the different provisions of this Ordinance. Different articles in this Ordinance may be administered by different department heads but still under the umbrella of "Administrator."

**Amenities**

Shall include facilities or improvements that provide benefits to users or residents of a building, trail, park, site, or other facility.

**Annexation**

Is the process whereby the city expands its boundaries by adding a specific geographic area into its corporate limits.

**Apartment, Large**

Shall be a building with at least nine (9) multiple dwelling units that are either stacked on top another on different floors or next to one another on the same floor or both.

**Apartment, Small**

Shall be a building with at least five (5) but no more than eight (8) multiple dwelling units that are either stacked on top another on different floors or next to one another on the same floor or both.

**Arcade**



Is a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space.

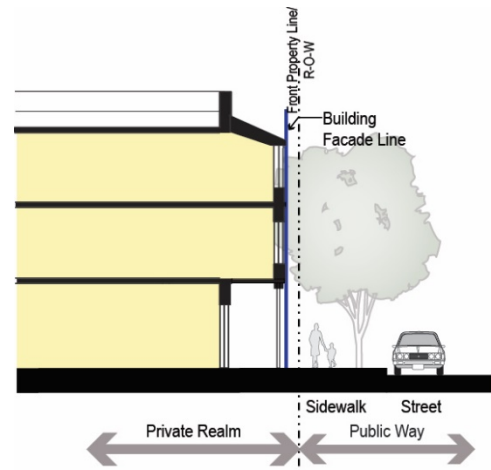


Figure 11.5-1 Illustration of an Arcade

#### **Architecturally Finished**

A finish characterized by a uniform appearance pertaining to materials, features, characteristics, or details most often specified for exposed surfaces used to build or ornament a structure.

#### **Arterial Roadway**

Shall be as defined by the city's adopted Master Thoroughfare Plan.

#### **Articulation, Building**

Off-sets, projections, recessed walls, windows, doors, and similar features that provide variation to a building facade and its roof line.

#### **Attic**

Shall be the part of the building under the roof structure that may or may not be habitable. Attics less than 7' in height shall not be counted towards the number of stories limitation.

#### **Automobiles**

Any vehicle propelled by mechanical power for general passenger use on the road, such as cars, vans, or passenger trucks. For purposes of this Ordinance, this definition shall not include freight trucks (18 wheelers), campers, RVs, and recreational trailers, equipment such as construction equipment, forklifts, farm implements, and neighborhood electric vehicles or golf carts.

#### **Auto-Oriented**

Shall include all uses and elements of site design that relate to the use and ease of use of automobiles including uses such as car dealers, car washes, gas stations, etc. and site elements such as parking, loading, unloading, drive thru's, etc.

#### **Awning or Canopy**

A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and that projects from a wall or roof of a structure over a window, walk, or door.

#### **Balcony**

Is an unsupported or cantilevered platform that projects from the façade of a building and is enclosed by a parapet or railing.

**Banding**

Narrow inlay of a color or grain which contrasts with the surface it decorates. Also refers to other long narrow ornamentation, such as painting or carving.

**Bedroom**

A habitable room that is used primarily for sleeping in any dwelling unit.

**Berm**

A mound of soil, either natural or man-made, used to screen and visually separate, in part or entirely, one area, site, or property from the view of another area.

**Block**

A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, airport boundaries, or corporate boundary lines of the city.

**Block Face**

Is one side of a street, from one intersection to the next.

**Block Perimeter**

Is the sum total of all block face dimensions circumscribed by public or private streets or pedestrian facilities with public access easements.

**Breezeway**

Is a roofed, often open, passage connecting two buildings (such as a house and garage) or halves of a building. A roofed breezeway is not an extension of any building that it connects, and does not combine two or more buildings into a single building.”

**Build**

To erect, construct, convert, enlarge, reconstruct, restore, or alter a building, structure, or infrastructure.

**Building or Structure**

Any structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind.

**Building, Detached**

A building surrounded by yards or open space on its own building lot, or buildings in a building group that are physically detached one from the other.

**Build-to Line**

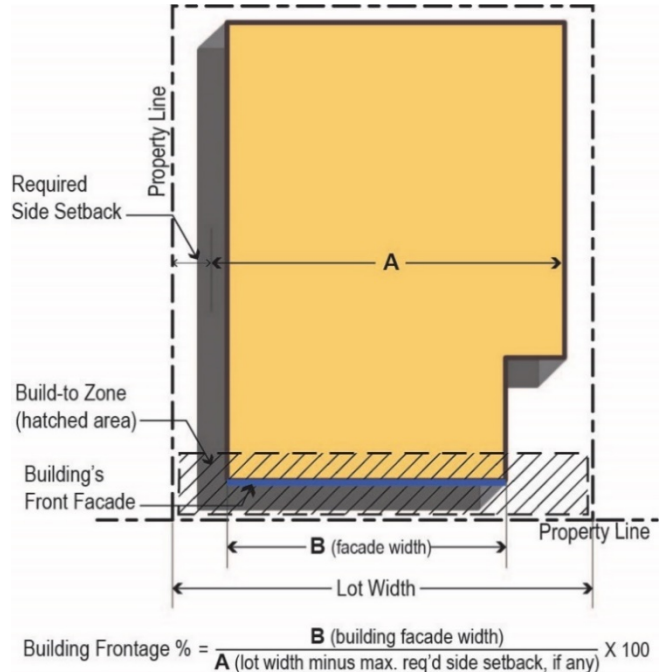
A line established, in general, parallel to the front property line, to which the front façade of the building shall be built to.

**Build-to Zone**

An area between the minimum and maximum front setbacks within which the front façade of the building shall be located.

**Frontage Build-out**

Is the percentage of a building's front façade that is required to be located within the Build-to Zone (BTZ) as a proportion of the lot's width along the fronting public street. Required driveways, stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.



**Figure 11.5-2 Image showing Frontage Build-out calculation**

#### **Building Official**

The officer or other designated authority charged with the administration and enforcement of City ordinances related to construction, building, plumbing, electrical, or mechanical work.

#### **Building Permit**

Is an official certificate of permission issued by the City to a builder to construct, enlarge, or alter a building.

#### **Building, Principal or Primary**

The main building on a lot in which a principal use of the lot on which it is located is conducted.

#### **Caliper**

The caliper is the diameter of the trunk, measured at breast height, which is typically four and one-half feet above the ground.

#### **Certificate of Occupancy (CO)**

A certificate issued by the City prior to using or occupying a non-residential or multi-family structure or building.

#### **Change in Use**

Changing permitted uses between land use categories in the use tables in **Article V: Use Standards**.

#### **Collector Street**

Shall be as defined by the city's adopted Master Thoroughfare Plan.

#### **Commercial Use or Building**

Shall be the use of land or building for commercial or business purposes as listed in Article V: Use Standards.

#### **Comprehensive Plan**

The plan adopted by the City Commission as the official policy to guide development of the city and its extraterritorial jurisdiction. The Comprehensive Plan includes any applicable sub-area, neighborhood, sector, or district plans; and other supporting elements, studies, and documents as may be adopted by the City Commission.

**Cladding**

The exterior building finish or material.

**Co-location**

A single telecommunications tower and/or site used by more than one telecommunications service provider.

**Column**

An architectural support of definite proportions, usually cylindrical in shape, with shaft, capital, and sometimes a base. A column may be free-standing or attached to a wall.

**Cornice**

The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

**Courtyard**

A landscaped open space in the center of a block with no street frontage, and that is inwardly oriented and large enough to allow for public activities and sunlight during midday.

**Development or to Develop**

“Development” shall mean:

1. The construction of one or more new buildings or structures on one or more building lots;
2. The existence of a building on a building lot;
3. The use of open land for a new use;
4. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; or,
5. “To develop” shall mean to create a development.

**Display**

The exhibition of goods, wares, or merchandise for retail sale, rental, or lease.

**District**

See Zoning District

**Dormers or Dormer Windows**

A dormer is a roofed structure, often containing a window that projects vertically beyond the plane of a pitched or sloped roof. It is also known as a dormer window.

**Dwelling Unit**

Shall be a self-contained unit of accommodation of one or more rooms including kitchen designed as a residence for occupancy by one household for the purpose of cooking, living and sleeping. This definition shall include single-family dwellings, two-family dwellings, and multiple family dwellings,

but not include hotels or motels.

**Dwellings, Attached**

A dwelling which is joined to another dwelling at one or more sides by a partial wall or walls.

**Dwelling, Detached**

A dwelling which is entirely surrounded by open space on its building lot.

**Encroachment**

Means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that extends into a setback, into the public right-of-way, or above a height limit.

**Entryway**

The doorway into a building along with the architectural treatments that accompany it.

**Exterior Insulation and Finish System (EIFS)**

A multi-layered exterior wall system typically consisting of insulation board that is secured to the exterior wall surface with a specially formulated adhesive and/or mechanical attachment; a durable, water-resistant base coat, which is applied on top of the insulation and reinforced with fiber glass mesh for added strength; and a durable finish coat which is both colorfast and crack-resistant.

**Extra Territorial Jurisdiction (ETJ)**

Shall be the area outside the city's incorporated limits where the city can legally exercise its planning authority.

**Facade**

Any exterior wall or face of a building that encloses or covers usable space. Multiple buildings on the same lot will each be deemed to have separate facades. A roof shall not be included in the definition of a facade.

**Family**

Individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption. The term expressly excludes residents of an assisted living facility, boarding house, fraternity or sorority house, private dorm, halfway house, or nursing home, as defined by this Ordinance.

**Fence or Screening Wall**

A barrier composed of posts connected by boards, rails, panels, or wire for the purpose of physically enclosing an area or separating parcels of land. The term "fence" does include retaining walls if such walls provide enclosure and/or separation of parcels.

**Fenestration**

Window treatment in a building or building facade. Also, a general term used to denote the pattern or arrangement of openings, i.e., windows and doors, in a facade.

**Freeway or Highway**

Shall be any regional or interstate high speed roadway with controlled access.

**Freeway or Highway Frontage Road**

Frontage road (also known as an access road, service road, parallel road, etc.) is a local road running parallel to a freeway or a highway. A frontage road is often used to provide access to adjoining properties and development.

**Forecourt**

An open, unoccupied space, typically located in the front of a lot, bounded on more than one side

by the walls of a building or buildings and used as a primary means of access to all or any part of said buildings.

**Gable Roof or Sloped Roof**

A gable roof consists of two roof sections sloping in opposite directions and placed such that the highest, horizontal edges meet to form the ridge of the roof.

**Grade**

The average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure.

**Gross Floor Area (GFA)**

When applied to a building, the area in square feet measured by taking outside dimensions of the building at each floor, excluding however, the floor area of basements or attics when not occupied or used.

**Ground Cover**

Plants and turfs that normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

**Height, Building**

Shall be the vertical distance measured from the average finished grade next to the building to (a) to the highest point of the roof surface or parapet, if a flat roof; (b) to the deck line of a mansard roof; or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

**Hipped Roof**

A hipped roof consists of all sides sloping downwards towards the walls of the structure it is covering.

**Industrial Uses**

This category of uses of sites and buildings shall include all manufacturing, assembly, warehouse, and waste management activities.

**Institutional Uses**

This category shall include nonprofit or service organizations such as public schools, hospitals, religious institutions, and government facilities.

**Irrigation System**

A method of providing the proper amount of water for the particular type of plant material used.

**iSWM Standards**

*integrated* Stormwater Management program by the North Central Texas Council of Governments (NCTCOG).

**ITE Manual for Designing Walkable Urban Thoroughfares .**

Designing walkable urban thoroughfares: a context sensitive approach. Washington, DC: Institute of Transportation Engineers. (most recent edition). Daisa, James, M (author).

**Joint, Common, or Cross Access Easements or Private Access Easements**

Shall be the coordination of shared private easements and driveway access between adjoining properties with the goal of allowing users to travel across each other's lot to reach adjoining properties or street(s).

**Kaufman Corridor District**

Shall be a special zoning district category which implements the vision for a more walkable and vibrant Kaufman Corridor with a mix of cottage or craft industrial, retail, and residential uses.

**Landscape Architect**

A person licensed to practice landscape architecture pursuant to the laws of the State of Texas.

**Landscape Area**

An area which is covered by grass, ground cover, or other natural plant materials, including screening.

**Landscaping**

Living plant material, including but not limited to grass, trees, shrubs, berms, water forms, and planters.

**Lot**

A platted parcel of land intended to be separately owned or developed, and that is recorded in the property records of Ellis County, Texas.

**Lot, Adjoining or Adjacent**

Any lot, parcel, or piece of land that shares a common lot line, alley, or any point of tangency with the lot under consideration.

**Lot Area**

That area of a horizontal plane bounded by the front, side, and rear lot lines, including any portion of an easement which may exist within such property lines, and exclusive of approved rights-of-way for public street, private street, alley, or rail purposes.

**Lot, Corner**

A lot situated at the intersection of two or more streets.

**Lot Coverage**

The percentage of the lot area that is covered by a building or structure.

**Lot Depth**

The average horizontal distance between the front and rear lot lines.

**Lot, Interior**

A lot other than a corner lot.

**Lot Line, Front**

That boundary of a lot that abuts a public street, private street, or approved access easement. On corner lots, the front lot line shall be the shorter line abutting a public street, private street, or approved access easement.

**Lot Line, Interior**

A lot line which is common to two lots.

**Lot Line, Rear**

That boundary of lot that is opposite the front lot line and that is most nearly parallel with the front lot line.

**Lot Line, Side**

That boundary that is not a front or rear lot line.

**Lot of Record**

An area of land designated as a lot on a plat of a subdivision recorded in the Plat Records of Ellis County, Texas, pursuant to statute, with the respective County Clerk.

**Lot Width**

The horizontal distance between side lot lines measured at the required front setback line.

**Major Amendment**

Means a requested amendment to an approved plan (Concept, Development, or Site Plan) that is substantially different from the originally approved plan as determined by the Administrator per this Ordinance.

**Massing, Building**

Is the external shape of a building and how it relates to or fits in with adjoining streets, sidewalks, and buildings.

**Meandering**

Taking a sinuous course with curves in alternate directions.

**Minor Amendments**

Means a requested amendment to an approved plan (Concept, Development, or Site Plan) that are nominal with no substantive changes to the development intensity or character.

**Mixed-Use Development or Building**

The development of a tract of land, building, or structure in a compact urban form with a residential use and a non-residential use as permitted by the applicable zoning district from the land use categories listed in **Article V: Use Standards**. The layout of a mixed-use development may be vertical or horizontal in design.

**Multi-Family Development**

Shall include all multi-family buildings and associated uses and site amenities that are master planned together (even if they may be built in different phases). Such development could be on one lot or multiple lots or one building or multiple buildings.

**NACTO's Urban Street Design Guide**

Urban Street Design Guide. New York City: National Association of City Transportation Officials. (most recent edition).

**Neighborhood Conservation District**

Shall be a residential zoning district category which implements the vision for the more compact, connected, and walkable neighborhood areas around Downtown Ennis that were developed on traditional neighborhood planning principles.

**Nonconforming Lot**

A lot that does not conform to the lot area, width, or depth requirements of the zoning district in which it is located, and as further defined in **Article X: Nonconformities**.

**Nonconforming Building or Structure or Site**

Any existing building, structure or site improvements that were erected according to all applicable City ordinances at the time, but which does not now comply with all the regulations applicable to the district in which the structure or site is located, and as further defined in **Article X: Nonconformities**.

**Nonconforming Use**

Generally, the use of an existing property or structure after the effective date of this Ordinance,



which does not comply with the use regulations applicable to the district in which the property is located, and as further defined in **Article X: Nonconformities**.

**Non-Residential**

Shall be a catch-all land or building use category that includes all uses except residential (single and multi-family) uses.

**Office**

Shall include a range of commercial or nonprofit or governmental activities that occur within buildings where employees and visitors are the primary users of the buildings and such uses are typically not related to direct retail trade with customers.

**Open Space**

Is publicly accessible open land in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. provided to meet the standards in of this Ordinance. Open space may be privately or publicly owned and/or maintained.

**Owner, Property or Proprietor**

Each and every person or entity who is a record owner of a fee simple interest or an undivided fee simple interest in a parcel of land per the County Tax Records. If such parcel is subject to a condominium or other multi-ownership regime, the owners' association representing such multi-ownership regime, and not individual unit owners, shall be deemed the owner thereof.

**Parapet**

That portion of the wall which extends above the roof line.

**Parking Lot**

Paved surfaces used for the storage of vehicles for limited periods of time, including but not limited to: truck parking; motor vehicle display, loading, or storage areas; and/or boat sales.

**Parking Screen**

Is a freestanding wall or living fence or combination fence built along any lot's street frontage in order to screen a parking lot or a loading/service area from view along the street or adjoining lot.

**Parkway**

The area of right-of-way between the curb and the property line normally publicly owned and consisting of a variable width and may include the sidewalk and/or landscaping.

**Pedestrian-Oriented Street**

As may be identified within RMU Special Districts, and the KC Special District shall be designated as "Pedestrian" oriented. Pedestrian-oriented streets prioritize pedestrian safety and walkability and facades along Pedestrian-oriented streets shall be designed to a higher standard than other streets in the MU District.

**Pedestrian-Oriented Development Frontage**

Shall be the percentage of the linear street or block frontage within RMU Special Districts, and the KC Special District that is designated as a Pedestrian-Oriented Street.

**Pediment**

On facades, it is a low gable, typically triangular with a horizontal cornice and raking cornices, surmounting a colonnade, an end wall, or a major division of a façade. It could also be any imitation of this element used to crown an opening or to form part of a decorative scheme.

**Person**

An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

**Pilaster**

Is a shallow rectangular feature projecting from a wall, having a capital and base and usually imitating the form of a column.

**Playground**

An outdoor area designed for unorganized recreational play. Playgrounds may consist of open space or informal play areas containing equipment such as swings, jungle gyms, seesaws, merry-go-rounds, backstops, goals, and similar equipment. Areas designed specifically for organized athletic events or containing buildings, bleachers, paved surfaces, field lights, or outdoor speakers, are not included within the definition of playground.

**Plaza**

A predominantly hard-surfaced space that is a portion of a block with a minimum of one side open to the street and other edges defined by buildings. Building edges should contain continuous retail, restaurant, or public uses at grade to animate and support the open space. Unlike intimate scale urban gardens, a plaza may contain a primary entrance to an adjacent building.

**Porch**

Is an exterior appendage to a building, forming a roofed approach or vestibule to a doorway, typically the front entryway.

**Primary Entrance**

Means the public entrance located along the front of a building facing a street or sidewalk and provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private controlled access into the building from a sidewalk, parking or service area.

**Residential Use**

Shall be any use of the land or buildings for household living.

**Roof Line**

Shall be the line along the highest points of a roof.

**Right-of-way**

A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under control of a public agency.

**Street Abandonment**

Shall mean the abandonment of a street, alley, or other public way from public use and reversion to private ownership by action of the City Commission either through a vacating plat or by separate instrument.

**Row House**

See Townhouse

**Salvage**

Any discarded, abandoned, junked, wrecked, dismantled, worn out, or ruined motor vehicles (including automobiles, trucks, tractor trailers, and buses), motor vehicle parts, boats, travel trailers, trailers, cranes, machinery or equipment, machinery or equipment parts, recreational vehicles, and/or anyjunk.

**Screening or Screening Device**

A barrier of stone, brick, pierced brick or block, uniformly colored wood, vegetation, or other permanent material of equal character, density, and design.

**Setback**

An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, unless specifically otherwise permitted in this Ordinance.

**Setback, Rear**

A yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear façade of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

**Setback, Side (Interior)**

A yard extending from the side lot line that is not adjacent to a street and being the minimum horizontal distance between any side façade of the primary building or projections thereof and the side lot line.

**Setback, Street Side**

A yard extending from the side lot line that is adjacent to a street and being the minimum horizontal distance between any side façade of the primary building including any enclosed projections and the side lot line.

**Setback, Street Front**

A yard extending along the primary street frontage of a lot and being the minimum horizontal distance between the street right-of-way line and main building façade (including any enclosed projections) with the primary building entrance.

**Shared Parking**

One or more parking facilities shared by multiple users on separate lots.

**Sidewalk**

A paved walkway along the side of a street.

**Sill**

The horizontal member forming the bottom of a window or exterior door frame.

**Site**

The total area of a lot or tract of land, from property line to property line, including any land subject to any easement or license. A site shall be a homogeneous parcel under single ownership or unified control.

**Stoop**

A small porch, platform, or staircase leading to the entrance of a building.

**Story or Floor**

That portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the

floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

**Street**

A public way for vehicular traffic.

**Street Frontage**

The length of property along a street.

**Streetscape**

The area between the building and edge of the vehicular or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, tree planters, bicycle racks, litter containers, benches, and street lights. Treatments may also include a range of provisions such as paving materials; street, pedestrian, and wayfinding signs; parking meters; utility boxes; public art; water features; bollards; informational signage; and other elements.

**Street Tree**

Trees planted within the Streetscape.

**Structure**

An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, poles, water towers, cranes, smokestacks, earth formations, and overhead transmission lines.

**Subdivision Perimeter Fence or Fencing**

Is the fencing along the external boundary of a subdivision or master planned development.

**Telecommunications**

The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing, without change in the form or content of the information as sent and received.

**Telecommunications Service**

The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

**Texture**

Is the visual and especially tactile quality of the surface of a building with respect to the size, shape, arrangement, and finish of the exterior building material.

**Topography**

Is the study and description of natural and man-made land and water features of an area.

**Tower Height**

The distance measured from grade to the highest point of any and all components of the structure, including antennae, hazard lighting, and other appurtenances, if any.

**Tree, Canopy**

A perennial woody plant, single or multiple trunk, with few if any branches on its lower part, which at maturity will obtain a minimum six inch caliper.

**Tree, Ornamental**

A perennial woody plant generally of 25 feet or less at maturity that may branch to the ground and has significant seasonal color, texture, or other ornamental characteristics

**Tree, Protected**

Any existing tree of at least six caliper inches that is indicated to be retained after development of the site.

**Use**

When applied to land or buildings, the purpose or activity for which such land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Variance**

An adjustment in the application of the specific regulations of this Ordinance to a particular piece of property, which, because of special circumstances uniquely applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges. A variance may be granted solely by the Zoning Board of Adjustment in accordance with the provision of **Article III: Review Procedures**.

**Xeriscape**

A concept to conserve water through creative landscaping and use of native plants. The main principles of xeriscape are:

1. reduction of turf area;
2. use of drought-tolerant and native or adapted plant materials;
3. grouping of plants with similar water requirements; and
4. an irrigation system designed to meet plant needs.

**Zoning District**

An area designation for which the regulations governing the area, height, and use of buildings and land are uniform.

**Zoning Map**

The map or maps, either physical or electronic, incorporated into this Ordinance as a part hereof by reference thereto that identify the different zoning districts established by this Ordinance.

**Yard**

The ground that immediately adjoins or surrounds a house, public building, or other structure. The front yard is the area between the structure and the main street that the building/s fronts on. The side yard is the area/s on the sides of the structure/s generally perpendicular to the front yard. The rear yard is the area behind the structure/s and on the opposite side of the main street.