

A G E N D A

The Waxahachie Planning & Zoning Commission (P&Z) will hold a regular meeting on ***Tuesday, January 9, 2018 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Commission Members: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

1. Call to Order
2. Invocation
3. Consent Agenda

All matters listed under Item 3, Consent Agenda, are considered routine by the P&Z and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the P&Z.

- a. Minutes of the regular P&Z meeting of December 12, 2017
 - b. ***Consider*** request by Jamie Isaguirre for a **Final Plat** of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ALFONSO ISAGUIRRE (FP-17-0163)
4. ***Consider*** request by Nathan Petty, Americas Storage, for a **Preliminary Plat** of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: GREG & PAULA DIMSDLE (PP-17-0149)
5. ***Consider*** Landscape Plan for Americas Storage as a companion to PP-17-0149 – Owner: GREG & PAULA DIMSDLE
6. ***Consider*** Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC
7. ***Public Hearing*** on a request by Luis Morales, Green Wolf Energy Inc., for a Specific Use Permit (SUP) to allow a **Rooftop Solar Panel System** use within a Rural Residential (RR) zoning district, located at 118 Lakeshore Drive, being 11 LINDMARK ESTS 2.0070 ACRES (Property ID 231007– Owner: BRENDA J & VICTOR MORGAN (SU-17-0155)
8. ***Consider*** recommendation of Zoning Change No. SU-17-0155

9. **Public Hearing** on a request by Michael Thomas, MJ Thomas Engineering, LLC, for a Zoning Change from a Planned Development-General Retail (PD-GR) zoning district to a **Planned Development-Multi Family-2 (PD-MF-2), with Concept Plan**, located at 411 Alliance Blvd., being 4R WAXAHACHIE CIVIC CENTER REV14.172 ACRES (Property ID 227433) - Owner: LOOKOUT PARTNERS LP (PD-17-0161)
10. **Consider** recommendation of Zoning Change No. PD-17-0161
11. **Public Hearing** on a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2287, as amended, to Sections 31.A.1 through 31.A.9, to update said sections of the Zoning Ordinance, relating to the Historic Overlay District, and establishing rules relating to historic structures (TA-17-0164)
12. **Consider** recommendation of Zoning Change No. TA-17-0164
13. **Public Hearing** on a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2288, as amended, to Sections 24.51 through 24.60 of the City's Code of Ordinances, and matters relating to the Heritage Preservation Commission, and the Historic Overlay Districts (TA-17-0165)
14. **Consider** recommendation of Zoning Change No. TA-17-0165
15. **Public Hearing** on a request by the City of Waxahachie for a textual change to Section 34.2(B)(3) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding roof materials for single family and duplex structures (TA-17-0166)
16. **Consider** recommendation of Zoning Change No. TA-17-0166
17. Public Comments
18. Adjourn

The P&Z reserves the right to go into Executive Session on any posted item.

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4005 or (TDD) 1-800-RELAY TX.

(7a)

Planning and Zoning Commission
December 12, 2017

The Waxahachie Planning & Zoning Commission (P&Z) held a regular meeting on Tuesday, December 12, 2017 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Lori Cartwright, City Secretary
David Hill, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Consent Agenda**

- a. Minutes of the regular P&Z meeting of November 28, 2017
- b. Consider request by Blain Vinson, Aspen Community Development, for a Final Plat of North Grove Business Park, Phases One & Three for 6 lots, being 31.822 acres in the A.S. Pruett Survey, Abstract No. 848, John Shaver Survey, Abstract No. 1000, and the E.C. Newton Survey, Abstract No. 791 (Property ID 189301) – Owner: SAP PROPERTIES, LLC (FP-17-0159)

Action:

Mrs. Bonney Ramsey moved to approve items a. through b. on the Consent Agenda. Mrs. Betty Square Coleman seconded, All Ayes.

4. **Continue Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Commercial (C) zoning district to a Freestanding Planned Development (PD), with Concept Plan, for a mixed-use development located East of existing Camden Park Subdivision, being 272 S M DURRETT 169.121 ACRES (Property ID 182052) - Owner: DARELL THOMPSON SCHWAB (PD-17-0148)**

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, announced the applicant withdrew the request for PD-17-0148.

No action to be taken.

(na)

5. Consider recommendation of Zoning Change No. PD-17-0148

Action:

No action taken

6. Public Hearing on a request by Clyde Melick, Waxahachie ISD, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Planned Development-Single Family-2 (PD-SF-2), with Concept Plan, located at 631 Solon Road, being 1 SOLON ROAD ELEMENTARY 23.948 ACRES (Property ID 220963) - Owner: WAXAHACHIE ISD (PD-17-0154)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to build office space and a warehouse for the District's support services team. The warehouse will store equipment and items used by the District to maintain and repair District facilities. Staff recommended approval per staff comments that are listed in the application packet.

There being no others to speak for or against PD-17-0154, Chairman Keeler closed the Public Hearing.

7. Consider recommendation of Zoning Change No. PD-17-0154

Action:

Mr. Jim Phillips moved to approve a request by Clyde Melick, Waxahachie ISD, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Planned Development-Single Family-2 (PD-SF-2), with Concept Plan, located at 631 Solon Road, being 1 SOLON ROAD ELEMENTARY 23.948 ACRES (Property ID 220963) - Owner: WAXAHACHIE ISD (PD-17-0154) subject to staff comments. Mrs. Betty Square Coleman seconded, All Ayes.

8. Consider request by Terry Weaver, JHDMC, LLC, for a Preliminary Plat of Sheppard's Place for 260 residential lots and 5 open space lots, being 79.664 acres in the E. Horton Survey, Abstract No. 466 (Property ID 185243) - Owner: SHEPHERD PLACE HOMES INC (PP-17-0157)

Ms. Dent presented a location map noting the general location is on the west side of FM 664 and north of Business 287; is currently zoned Planned Development. She reported there are questions about how the park land dedication is to be handled. The City prefers the applicant maintain the open space through the Home Owners Association with the proposed reversion clause. The applicant's legal team is drafting the proposed reversion clause for the City's legal team to review. If an agreement cannot be reached, applicant is responsible for \$106,000 in park land dedication fees.

Action:

After further discussion, Vice Chairman Melissa Ballard moved to approve a request by Terry Weaver, JHDMC, LLC, for a Preliminary Plat of Sheppard's Place for 260 residential lots and 5 open space lots, being 79.664 acres in the E. Horton Survey, Abstract No. 466 (Property ID

(34)

185243) – Owner: SHEPHERD PLACE HOMES INC (PP-17-0157) subject to staff comments..
Mr. David Hudgins seconded. The vote was as follows:

*Ayes: Rick Keeler
Melissa Ballard
Bonney Ramsey
Erik Barnard
David Hudgins*

*Noes: Betty Square Coleman
Jim Phillips*

The motion carried.

**9. Consider Landscape Plan for Sheppard's Place as a companion to PP-17-0157 –
Owner: SHEPHERD PLACE HOMES INC**

Ms. Dent reported the applicant does not have a landscape plan ready to present.

Action:

Mrs. Bonney Ramsey moved to deny, without prejudice, Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC. Vice Chairman Melissa Ballard seconded, All Ayes.

10. Public Hearing on a request by Helen F. Reed, Helen's House, for a Zoning Change from a General Retail (GR) zoning district to Single Family-2 (SF2), located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: HELEN F REED (ZC-17-0160)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to rezone the property from General Retail to Single Family-2 to enable her to move back to the property and ensure the zoning is in line with regulations by the State of Texas to allow a Family Home (child care in place of residence). She stated ZC-17-0160 is a companion case to agenda items 12 and 13.

Ms. Helen Reed, 320 Lynn Street, Waxahachie, stated currently the location is considered a day-care and the State does not allow living quarters at a daycare location. She explained the zoning change will allow her to move back in and have a Child-Care Home caring for a total capacity of 12 children.

There being no others to speak for or against ZC-17-0160, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. ZC-17-0160

Action:

(3A)

Planning and Zoning Commission

December 12, 2017

Page 4

Mrs. Bonney Ramsey moved to approve a request by Helen F. Reed, Helen's House, for a Zoning Change from a General Retail (GR) zoning district to Single Family-2 (SF2), located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: HELEN F REED (ZC-17-0160) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

- 12. Public Hearing on a request by Helen F. Reed, Helen's House, for a Specific Use Permit (SUP) to allow a Family Home (child care in place of residence) use within a Single Family-2 (SF2) zoning district, located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: HELEN F REED (SU-17-0158)**

Chairman Keeler opened the Public Hearing and stated SU-17-0158 is a companion case to agenda items 10 and 11.

There being no others to speak for or against SU-17-0158, Chairman Keeler closed the Public Hearing.

- 13. Consider recommendation of Zoning Change No. SU-17-0158**

Action:

Mr. David Hudgins moved to approve a request by Helen F. Reed, Helen's House, for a Specific Use Permit (SUP) to allow a Family Home (child care in place of residence) use within a Single Family-2 (SF2) zoning district, located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: HELEN F REED (SU-17-0158) subject to staff comments. Mrs. Betty Square Coleman seconded, All Ayes.

- 14. Public Comments**

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, stated the Planning and Zoning Commission is the HUB of what is being spent in the city. She stated city residents voted down the schools because the taxes are too high and at the end of the day money comes out of their pockets. Ms. Hedtke stated wasted unnecessary spending monies need to be turned back to the taxpayers and noted if you are going to support the schools, then lower the taxes. She asked the Commission to stop going down the road of project after project.

- 15. Adjourn**

There being no further business, the meeting adjourned at 7:29 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(3b)

Planning & Zoning Department Plat Staff Report

Case: FP-17-0163



MEETING DATE(S)

Planning & Zoning Commission: January 9, 2018

City Council: January 16, 2018

CAPTION

Consider request by Jamie Isaguirre for a **Final Plat** of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ISAGUIRRE ALFONSO (FP-17-0163)

CASE INFORMATION

Applicant: Jamie Isaguirre

Property Owner(s): Alfonso Isaguirre

Site Acreage: 14.859 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Adequate Public Facilities: Buena Vista-Bethel has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution. However, they have indicated that they cannot conform with the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: 1613 N Oak Branch Road

Parcel ID Number(s): 183251

Current Zoning: N/A (ETJ)

Existing Use: Residential structures

Platting History: James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244

(b)

Site Aerial:



STAFF CONCERNS

1. Per the Subdivision Ordinance, Appendix C, Chapter V, Section 5.8.C,
 - a. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply and to furnish fire protection to all lots shall be provided. Water lines shall extend to the property line, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in an easement.
2. This proposed subdivision will not meet the fire protection conditions set forth in the City's Subdivision Ordinance. City Council will need to determine a way to proceed.
3. Formatting concerns regarding the plat remain outstanding.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revised drawings, comments remain outstanding.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☒ Denial.
Because the proposed subdivision does not conform to the Subdivision Ordinance as presented. City Council will need to determine how they wish to proceed on subdividing this land given the lack of fire protection.
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:
1. If checking the last box, then include the comments recommended for P&Z and City Council to use as discussion points.

ATTACHED EXHIBITS

1. Final plat

APPLICANT REQUIREMENTS

(b)

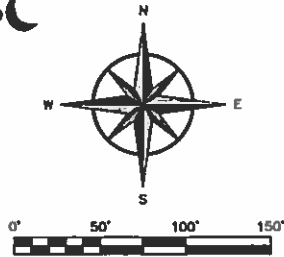
1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner I
kdent@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

WLSC



158.8369 Acres
David E. Smith
Vol. 1488, Pg. 618
OPRECT

Nelson L. Dunn
Vol. 843, Pg. 168
DIRECT

OWNER'S CERTIFICATE
COUNTY OF ELLIS
CITY OF DALLAS

WHEREAS, Allman Inquire is the owner of that certain parcel of land situated in the JAMES A. BLAKELY SURVEY, ABSTRACT NO. 189 and in the THEODORE H. SAMPLEY SURVEY, ABSTRACT NO. 1244, Ellis County, Texas, and being all of the 14.859 acre tract of land conveyed to Allman Inquire by Warranty Deed recorded in Volume 2816, Page 1811 of the Official Public Records of (Ellis County, Texas) (OPRECT), and being more particularly described as follows:

SECTION 31 OF 36, a parcel of land in Oak Branch Road (a newly used) and in the east line of the Blakely Survey and in the west line of the Mark Staben Survey, Abstract No. 183 for the northeast corner of said Inquire Tract and the southeast corner of the 158.8369 acre tract of land conveyed to David E. Smith by Warranty Deed recorded in Volume 1488, Page 618, OPRECT;

TRACED S 37°17'30" E, along the east line of said Inquire Tract and the common Blakely - Staben Survey line and along Oak Branch Road, a distance of 338.57 feet to a railroad right of way for the southeast corner of said Inquire Tract and the southeast corner of the 15.100 acre tract of land conveyed to John A. Pank by General Warranty Deed recorded in Volume 2764, Page 2020, OPRECT;

TRACED S 89°30'57" E, along the north line of said Staben Tract, passing the common Blakely - Sampley Survey line, in all, a distance of 1294.32 feet to a 1/2" iron rod found in the northeast corner of the 228.110 acre tract of land conveyed to Shane Staben by Warranty Deed recorded in Volume 2261, Page 1363, OPRECT for the southeast corner of said Inquire Tract and the southeast corner of said Staben Tract;

TRACED N 37°31'33" E, along the northeast line of said Staben Tract, passing the common Sampley - Blakely Survey line, in all, a distance of 858.57 feet to a 1/2" iron rod found cap marked "NPLS 4400" in the south line of said Staben Tract for the northeast corner of said Inquire Tract and the northeast corner of said Staben Tract;

TRACED N 73°23'00" E, along the north line of said Inquire Tract and the south line of said Staben Tract, a distance of 1334.71 feet to the PLACE of SECTION 31 and containing 14.859 acres of land as conveyed on the ground.

NOTE, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Allman Inquire, do hereby adopt this plat designating the lands above described property as the Final Plat of Inquire Addition, in addition to Ellis County, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and rights are given, or shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements so shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the public use and communication of all public utilities existing in use or using the same unless the easement limits the use of particular utilities, said use being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective systems for the purpose of constructing, reconstructing, improving, repairing, maintaining, removing, and adding to or removing all or parts of their respective systems without the necessity of any time preventing prohibition from ingress.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this the _____ day of _____, 2017.

Allman Inquire
Owner

STATE OF TEXAS
COUNTY OF ELLIS

Before me the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Allman Inquire, known to me to be the person whose name are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity stated.

Given under my hand and seal this the _____ day of _____, 2017.

Notary Public in and for the State of Texas

APPROVED BY: Planning and Zoning Commission City of Waxahachie

Chairman

APPROVED BY: City Council

Mayor

Attest

STATE OF TEXAS
COUNTY OF ELLIS

Certificates of Approval by the Commissioners Court of Ellis County, Texas.

Approved this date, the _____ day of _____, 2017.

Notariable Civil Book, County Judge

This plat has been approved by the Department of Development for an as-shown average building system pending any and all information as may be required by the Ellis County Department of Development.

Department of Development

Date

Final Plat (City of Waxahachie)
Simplified Plat (Ellis County)

ISAGUIRE ADDITION

14.859 Acres

James A. Blakely Survey, Abstract No. 89
Theodore H. Sampley Survey, Abstract No. 1244
ETJ of City of Waxahachie, Ellis County, Texas
December, 2017

Lot 1
8.551 Acres

Block A

Lot 2
5.991 Acres

10.100 Acres
John A. Pank
Vol. 2764, Pg. 2020
OPRECT

James A. Blakely Survey Abstract No. 89
Theodore H. Sampley Survey Abstract No. 1244

508.190 Acres
Shane Staben
Vol. 2261, Pg. 1363
OPRECT

LEGEND	
9	Frontier Corner
8	Iron Rod
7	Found
6	Sheet of Way
5	Building Line
4	Utility Corridor
3	Highway & Utility Corridor
1/2	1/2 Iron rod found with
0	city marked "PLS 4465"

(4)

Planning & Zoning Department

Plat Staff Report

Case: PP-17-0149



MEETING DATE(S)

Planning & Zoning Commission: January 9, 2018

City Council: January 16, 2018

CAPTION

Consider request by Nathan Petty, Americas Storage, for a **Preliminary Plat** of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: DIMSDLE GREG & PAULA (PP-17-0149)

CASE INFORMATION

Applicant: Nathan Petty, Americas Storage

Property Owner(s): Greg & Paula Dimsdle

Site Acreage: 7.304 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at **\$4,382.40** (7.304 acres at \$600.00 per acre).

Adequate Public Facilities: This property falls within the City of Waxahachie's CCN, however, the City does not yet have lines to this property. As a result, Rockett SUD will provide adequate water and fire protection to this property at this point, and when the City's lines extend to this property, this property will make the switch over to the City lines and cap off the line from Rockett.

SUBJECT PROPERTY

General Location: 3467 N Highway 77

Parcel ID Number(s): 191086 and 191095

Current Zoning: Commercial

Existing Use: Residential structures, to be removed.

Platting History: T. Selby Survey, Abstract No. 1002

Site Aerial:**STAFF CONCERNS**

1. A parallel water line connected to Rockett SUD (8-inch min. or as required to provide fire flow for this development) is being considered and when the city water line is connected to the parallel line the water line will be disconnected from Rockett SUD water line.
2. The Design Manual show the need for 12-inch along commercial/industrial areas, but since this is the end of the Waxahachie CCN, we are ok with using 8-inch pipe depending on the fire demand for this site.
3. Need flushing valve.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revised drawings, resulting in the above comments.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. A parallel water line connected to Rockett SUD (8-inch min. or as required to provide fire flow for this development) is being considered and when the city water line is connected to the parallel line the water line will be disconnected from Rockett SUD water line.
 2. The Design Manual show the need for 12-inch along commercial/industrial areas, but since this is the end of the Waxahachie CCN, we are ok with using 8-inch pipe depending on the fire demand for this site.
 3. Need flushing valve.

ATTACHED EXHIBITS

1. Plat drawing
2. Drainage and utility plan
3. Landscape plan

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner I
kdent@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

NATHAN PETTY BUSINESS PARK - DRAINAGE CALCULATIONS

PRE-DEVELOPMENT: A = 4.0 acres C = 0.40 Time Conc. = 20 min.
 4.0 ac 0.40 20 4.36/4.94/5.80/7.18 6.98 /7.94 /9.28 /11.40
 B = 3.3 acres C = 0.40 Time Conc. = 20 min.
 3.3 ac 0.40 20 4.36/4.94/5.80/7.18 4.78 /6.55 /7.66 /8.48

FULL DEVELOPMENT: AREAS A & B C = 0.90 Commercial Ic = 10 min.
 AREA A (DEVELOPED) 5.30 Acres 0.90 10 5.84/6.56/7.62/9.31 27.8 /31.3 /36.3 /44.1
 AREA B (DEVELOPED) 2.0 Acres 0.90 10 5.84/6.56/7.62/9.31 10.5 /11.8 /13.7 /16.8

NORTHWEST DETENTION POND

YEAR STORM	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION
5	6.98	27.9	4.69 @ 636.00 ELEV
10	7.94	31.3	5.96 @ 636.13 ELEV
25	9.28	36.3	7.46 @ 636.32 ELEV
100	11.40	44.1	9.38 @ 636.62 ELEV

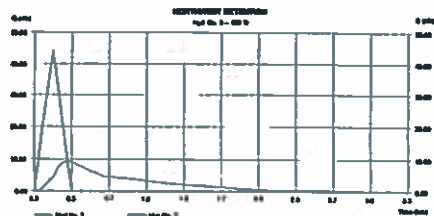
NORTHEAST DETENTION PIPES

YEAR STORM	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION
5	4.78	10.5	5.05 @ 631.29 ELEV
10	6.55	11.8	5.42 @ 631.50 ELEV
25	7.66	13.7	5.95 @ 631.83 ELEV
100	9.48	16.8	6.94 @ 632.34 ELEV

Pond Report

Storm	Existing	Developed	Detention	Detention
5	6.98	27.9	4.69	636.00
10	7.94	31.3	5.96	636.13
25	9.28	36.3	7.46	636.32
100	11.40	44.1	9.38	636.62

Hydrograph Plot



RAILROAD R.O.W. NOTE:
 ANY WORK DONE IN RAILROAD
 RIGHT OF WAY (R.O.W.)
 REQUIRES THEIR APPROVAL
 AND/OR PERMIT.

existing
 fl 637.5

fl 634.5

Developed
 5.3 ACRES

RICHARD & SUSAN HEFF
 3.925 ACRES
 VOL. 1144, PG. 580
 OPRECT

ATMOS ENERGY
 LOT 1, BLOCK A
 ATMOS ENERGY ADDITION
 6.907 ACRES
 INST. # 1513681 OPRECT

Developed
 2.0 ACRES

Approx. location of 10'
 wide ROCKETT Special
 UTA, Dist. Water Line
 Easement, Vol. 845,
 Pg. 570 DRECT

WAKAHACHIE L.S.D.
 49.906 ACRES
 VOL. 747, PG. 372
 DRECT

FIREFLOW DESIGN REQUIREMENTS:
 750 GPM MINIMUM WATER FLOW
 REQUIRED TO SUPPORT THE
 FIRE SPRINKLER SYSTEM.

Hydrograph Plot



Pond Report

Storm	Existing	Developed	Detention	Detention
5	4.78	10.5	5.05	631.29
10	6.55	11.8	5.42	631.50
25	7.66	13.7	5.95	631.83
100	9.48	16.8	6.94	632.34

NOTES:

1. PER DRAIN REQUIREMENTS, A 4:1 SIDE SLOPE
 MINIMUM SHALL BE MAINTAINED BY THE DEVELOPER.
2. DETENTION POND SHALL BE CONSIDERED
 IN ALL DETENTION AREAS OF DRAIN R.O.W.

NOTES:

1. ANY WORK DONE IN U.S. PROPERTY
 77 RIGHT OF WAY (R.O.W.)
 REQUIRES THAT APPROVAL
 AND/OR PERMIT.

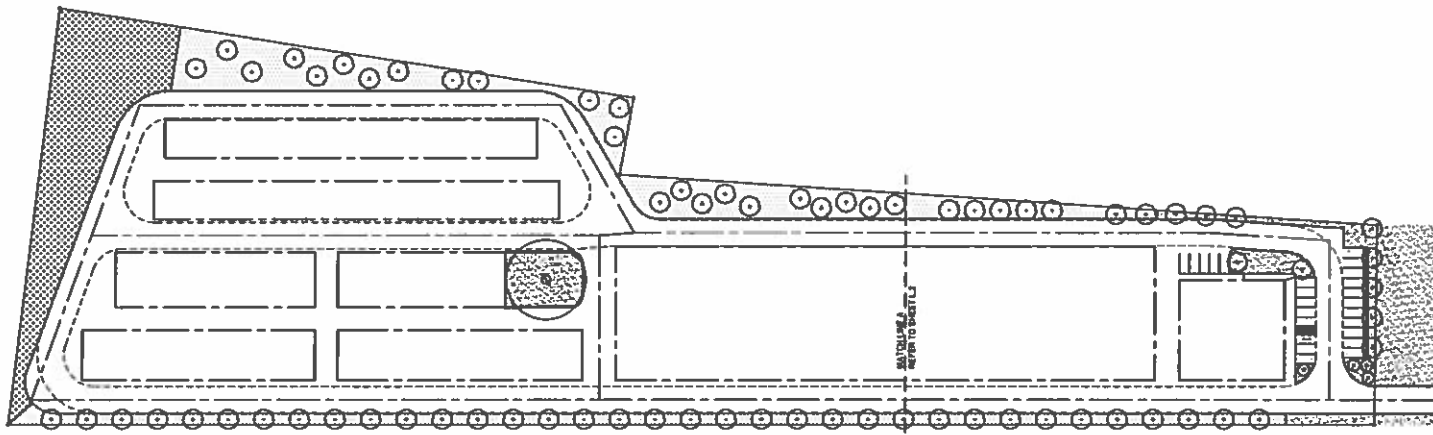
DRAINAGE & UTILITY PLAN
AMERICAS STORAGE
COMMERCIAL ZONING
 Being a 7.304 Acre Addition in the
 T. Selby Survey, Abst. 1002
 of the City of Waxahachie, in Ellis County, Texas



D&M
 ENGINEERS

DAVIS & McDILL, Inc.
 P.O. BOX 428, Waxahachie, Texas 75165
 Phone: Mpls 972-639-1165 Fax: 972-637-8357
 (A Texas General Engineering Co. P-4061)

Date: Dec 26, 2017
 Scale: 1" = 60'
 Drawn: JSM
 217-0234
 Job: -D&M-247
 SHEET 2 OF 2 SHEETS



01 LANDSCAPE SITE PLAN
NOT TO SCALE

GENERAL LANDSCAPE NOTES

1. THE SHIELD SHALL BE ACHIEVED FROM CONSTRUCTION OF THE SHIELD.
2. ADJUST CONTOURS TO ACHIEVE PROPOSED GRADES FROM EXISTING. PROVIDE UNIFORMITY OF TOP AND BOTTOM OF SHIELD AND OTHER FEATURES IN SHIELD. CONTOUR OF SHIELD SHALL BE ACHIEVED BY SHIELDING.
3. ALL LANDSCAPE TO BE REMOVED SHALL BE LEFT IN A MANNER OF 4" BILLS FROM THE SHIELD. CONSTRUCTION TO EXISTING CONTOURS WITH SHIELD CONSTRUCTION MANNER.
4. IMPROVED TOPS SHALL BE MAINTAINED FROM THE SHIELD. MAINTAIN AS BOTTOM AND SOIL FROM LAND. CLAY TOPS. SUBSTRATE. MOIST. DRAIN. AND MAINTAIN. CONTOURED BY 1" AND PLANT TO EXISTING COLOR.
5. ALL LAND SHALL BE TO BE REMOVED. CONSTRUCTION TO EXISTING CONTOURS WITH SHIELD CONSTRUCTION MANNER.
6. ALL LAND SHALL BE TO BE REMOVED. CONSTRUCTION TO EXISTING CONTOURS WITH SHIELD CONSTRUCTION MANNER.
7. CONSTRUCTION SHALL PROVIDE 1" AND SHIELD IMPROVED TOPS. ON ALL AREAS TO REMOVED LAND.

LANDSCAPE NOTES

1. CONSTRUCTION SHALL MAINTAIN ALL EXISTING AND IMPROVED TOPS. MAINTAIN AND MAINTAIN CONTOURS OF SHIELD CONTOURS. MAINTAIN CONTOURS OF SHIELD CONTOURS. MAINTAIN CONTOURS OF SHIELD CONTOURS.
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BUILDING NOTES

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HYDROLOGICAL NOTES

1. ALL LAND SHALL BE TO BE REMOVED. CONSTRUCTION TO EXISTING CONTOURS WITH SHIELD CONSTRUCTION MANNER.
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PLANT MATERIAL SCHEDULE

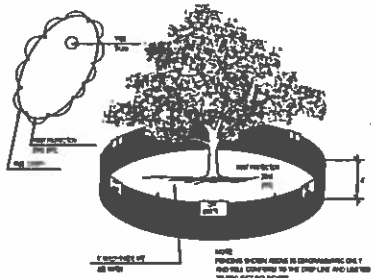
TYPE	QTY	CONSTRUCTION	REMARKS	QTY	REMARKS
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy

LANDSCAPE TABLES

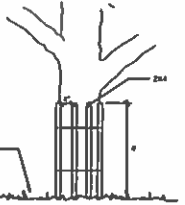
TYPE	QTY	CONSTRUCTION	REMARKS	QTY	REMARKS
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CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy
CE	1	Center Elm	Shady canopy	1	Shady canopy

EXISTING TREE LEGEND



01 TREE PROTECTION FENCE A
NOT TO SCALE



02 TREE PROTECTION FENCE B
NOT TO SCALE

NATIVE BILLY LAND NOTES

1. PROTECTION OF BILLY LAND SHALL BE ACHIEVED BY CONSTRUCTION OF THE SHIELD.
2. ADJUST CONTOURS TO ACHIEVE PROPOSED GRADES FROM EXISTING. PROVIDE UNIFORMITY OF TOP AND BOTTOM OF SHIELD AND OTHER FEATURES IN SHIELD. CONTOUR OF SHIELD SHALL BE ACHIEVED BY SHIELDING.
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7. CONSTRUCTION SHALL PROVIDE 1" AND SHIELD IMPROVED TOPS. ON ALL AREAS TO REMOVED LAND.



HIGHWAY 77 SELF-STORAGE
HIGHWAY 77
WAXAHACHE, TEXAS

DATE:
SHEET NAME:
SHEET NUMBER:

L.1

(1)

Planning & Zoning Department Zoning Staff Report

Case: SU-17-0155



MEETING DATE(S)

Planning & Zoning Commission: January 9, 2018

City Council: January 16, 2018

CAPTION

Public Hearing on a request by Luis Morales, Green Wolf Energy Inc., for a Specific Use Permit (SUP) to allow a **Rooftop Solar Panel System** use within a Rural Residential (RR) zoning district, located at 118 Lakeshore Drive, being 11 LINDMARK ESTS 2.0070 ACRES (Property ID 231007– Owner: MORGAN BRENDA J & VICTOR (SU-17-0155))

CASE INFORMATION

Applicant: Luis Morales, Green Wolf Energy Inc.

Property Owner(s): Brenda J & Victor Morgan

Site Acreage: 2.0070 acres

Current Zoning: Rural Residential

Requested Zoning: Rural Residential with Specific Use Permit

SUBJECT PROPERTY

General Location: 118 Lakeshore Drive

Parcel ID Number(s): 231007

Existing Use: Single family house

Development History: Lindmark Estates Final Plat was approved by City Council on July 6, 2004.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	RR	Currently undeveloped
East	PD-23-SF-1 w/SUP	Single family residence
South	PD-23-SF-1	Single family residence
West	RR	Single family residence

Future Land Use Plan: Estate Residential

Comprehensive Plan:

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

The site is accessed via Lakeshore Drive, a Secondary Thoroughfare D (80' ROW).



Site Image:

PLANNING ANALYSIS

The applicant seeks to install solar panels along the roof of an existing single family residence. Though the City encourages solar installations, the proposed installation does not comply with City expectations that solar panels do not face onto street frontage.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 12/22/17.

STAFF CONCERNS

1. The City does not permit solar panels to face street frontage, so the location of these panels would need to be moved.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has not responded to comments.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☒ Denial
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:

(7)

ATTACHED EXHIBITS

1. Cover sheet
2. Array layout



APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner I
kdent@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

<div>SOLAR INDIVIDUAL PERMIT PACKAGE</div> <div>BRENDA MORGAN</div> <div>14.715 kW GRID TIED PHOTOVOLTAIC SYSTEM</div> <div>(972) 937-7345</div> <div>118 LAKESHORE DRIVE</div> <div>WAXAHACHIE, TX 75165</div>		<div>CODE INFORMATION</div> <div>APPLICABLE CODES, LAWS AND REGULATIONS</div> <div>2015 INTERNATIONAL RESIDENTIAL CODE (IRC)</div> <div>2015 INTERNATIONAL BUILDING CODE (IBC)</div> <div>2015 INTERNATIONAL FIRE CODE (IFC)</div> <div>2014 NATIONAL ELECTRICAL CODE (NEC)</div> <div>PROJECT LOCATION</div> <div></div> <div>VICINITY MAP</div> <div></div>	<div>SUNPOWER CORPORATION, SYSTEMS</div> <div>1414 HARBOUR WAY SOUTH</div> <div>RICHMOND, CA 94804</div> <div>(910) 540-0550</div> <div>CA LICENSE #880695</div>																																
<div>JOB NOTES</div> <div>INSTALL SITE SURVEY NOTES / CUSTOMER PROPERTY REQUESTS: N/A</div> <div>ROOF 1 ACCESS / LADDER SIZE: 16'</div> <div>ROOF 2 ACCESS / LADDER SIZE: 16'</div> <div>DOES THE HOME HAVE FIRE SPRINKLERS INSTALLED: NO</div> <div>UPGRADE EXISTING GROUNDING: NO</div> <div>OCCUPANCY: R2</div> <div>CONSTRUCTION TYPE: V-B</div> <div>SINGLE FAMILY RESIDENCE</div> <div>APH: 905-965-000-011-001-12</div>		<div>SHEET INDEX</div> <div>SOLAR ARCHITECTURAL DRAWINGS</div> <div>SOLAR-A0 COVER SHEET</div> <div>SOLAR-A1 ARRAY LAYOUT</div> <div>SOLAR-A2 ROOF 1 STRUCTURAL INFORMATION</div> <div>SOLAR-A3 ROOF 2 STRUCTURAL INFORMATION</div> <div>SOLAR STRUCTURAL DRAWINGS</div> <div>SOLAR-S1 MOUNTING DETAILS</div> <div>SOLAR ELECTRICAL DRAWINGS</div> <div>SOLAR-E1 ELECTRICAL SINGLE LINE DIAGRAM & SPECIFICATIONS</div> <div>SOLAR-E2 ELECTRICAL CALCULATIONS & OTHER NOTES</div> <div>SOLAR-E3 REQUIRED SIGNAGE</div> <div>SOLAR-E4-E12 SPECIFICATION SHEETS</div> <div>SOLAR-E13 STRING DIAGRAM</div> <div>SOLAR-E14 INSPECTION LIST & COMMISSION REPORT</div>	<div>14.715 kW GRID TIED PHOTOVOLTAIC SYSTEM</div> <div>BRENDA MORGAN</div> <div>118 LAKESHORE DRIVE</div> <div>WAXAHACHIE, TX 75165</div> <div>SOLAR INDIVIDUAL PERMIT PACKAGE</div> <div>COVER SHEET</div> <div>REVISIONS</div> <table><thead><tr><th>REV</th><th>DESCRIPTION</th><th>DATE</th><th>DES</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> <div>OPPORTUNITY TEXAS</div> <div>PROJECT AP-19363</div> <div>DATE DRAWN 9/11/2017</div> <div>DRAWN BY DME</div> <div>DATE CHECKED 9/11/2017</div> <div>CHECKED BY APATBL</div> <div>SCALE NTS</div> <div>SHEET SOLAR-A0</div>	REV	DESCRIPTION	DATE	DES																												
REV	DESCRIPTION	DATE	DES																																

(9)

Wright, Destiny

From: Justin Swartz <justin.swartz@oxfordenterprisesinc.com>
Sent: Tuesday, January 02, 2018 4:09 PM
To: Wright, Destiny; Dent, Kelly
Subject: PNZ Continuance

Case PD-17-0161

Please continue the public hearings scheduled for the above referenced case.

Planning and Zoning – From 1/9/18 to 1/23/18
City Council – From 1/16/18 to 2/5/18

Regards,

Justin Swartz
Oxford Enterprises, Inc.
8411 Preston Rd., Ste 711
Dallas TX 75225
214-754-0577 off
917-605-0288 cell
Justin.Swartz@oxfordenterprisesinc.com

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CITY ZONING ORDINANCE, ORDINANCE NO. 2287, AS AMENDED, TO SECTIONS 31.A.1 THROUGH 31.A.9, TO UPDATE SAID SECTIONS OF THE ZONING ORDINANCE, RELATING TO THE HISTORIC OVERLAY DISTRICT, AND ESTABLISHING RULES RELATING TO HISTORIC STRUCTURES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 211.001 et .seq. of the Texas Local Government Code authorizes the City Council of the City of Waxahachie to:

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

WHEREAS, the City contemplates amending Sections 31.A.1 through 31.A.9 of the Code of Ordinances to oversee programs for historic properties and districts, and provide criteria and procedures for administering these programs; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety and that Sections 31.A.1 through 31.A.9 of the Code of Ordinances of the City of Waxahachie, Texas hereby is amended to read as follows:

SECTION 31.A HISTORIC OVERLAY DISTRICTS

31.A.1 GENERAL PURPOSE AND DESCRIPTION:

The City hereby declares that as a matter of public policy, the protection, preservation and enhancement of districts and landmarks of architectural, archaeological, cultural, and historic importance is necessary to promote the economic, cultural, educational, and general welfare of the citizens of Waxahachie. The unique identity of the City of Waxahachie and the history of the area since its founding, which produced significant historic, architectural, archaeological and cultural resources, require this ordinance to:

1. Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic areas, places, buildings and structures, by appropriate regulations.
2. Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in Waxahachie.
3. Protect and enhance the City's attractions to tourists and visitors, as well as provide support and stimulus to business and industry.
4. Ensure the identification and evaluation of buildings, structures, places and areas of historical, architectural and cultural importance or value; and to provide efficient

(11)

procedures for that process, and any necessary adjustments or variances from unduly harsh application of the provisions of this ordinance.

5. To balance the rights of the public which justify preservation of the City's history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets.

31.A.2 CREATION OF DISTRICT

A. Nature of District

The City may designate a site, building, structure, landscape or object as a historic resource and a unique area as a historic district together with the public rights of way in and surrounding the resource or district, by establishing a Historic Overlay District that combines with one or more base zoning districts pursuant to the procedures set forth in Section 10 of the City's zoning ordinance.

1. Permitted uses within the Historic Overlay District shall be those allowed in the base zoning district.
2. Unless expressly modified by or limited by an action taken pursuant to this Section 31.A, the height and area standards, special requirements and other regulations shall be those applicable within the base zoning district.

B. Criteria for Historic Resources:

A Historic Overlay District may be established to preserve historic resources of exemplary architectural, archaeological, cultural or historic value having one or more of the following characteristics:

1. Possesses significance in history, architecture, archeology, or culture of the city, county, state or nation.
2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state or national history.
3. Is associated with the lives of persons significant in Waxahachie's past.
4. Embodies distinctive characteristics of a type, period or method of construction.
5. Represents the work of a master designer, builder or craftsman.
6. Represents an established and familiar visual feature of the City of Waxahachie.
7. Is the location of a significant event.

C. Criteria for Historic Area

A Historic Overlay District may be established to preserve a historic area if the area contains properties that meet one or more of the criteria for designation contained for a historic resource and constitutes a unique section of the City of Waxahachie that contributes to the heritage of the community.

D. Request for Designation

1. A property owner or the Heritage Preservation Commission (HPC) may request establishment of a Historic Overlay District to designate certain sites, buildings, structures, landscapes or objects as historic resources, or to designate certain areas as historic districts. A property owner must obtain a favorable recommendation by the HPC following a public hearing as set forth in Subsection 2 before the request for a Historic Overlay District will be acted upon by the Planning and Zoning Commission and the City Council.
2. The HPC may recommend on its own initiative or upon the request of a property owner that a building, site, structure, landscape or object be preserved as a historic resource or that a unique area be preserved as a historic district. The Heritage Preservation Officer will send notification to property owners within the proposed district boundaries of the proposal. When the HPO has received verifiable written support from the owners of at least thirty (30) percent of the properties within the proposed historic district boundary, the Heritage Preservation Officer shall forward the application to the Heritage Preservation Commission for a public hearing and recommendation. Prior to such hearing, the HPC shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the area of the proposed district. At the public hearing, commissioners, owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural or cultural importance of the proposed historic resource or historic district. The record may also contain staff reports and public comments. Following the public hearing, the HPC shall formulate its recommendation to the Planning and Zoning Commission and the City Council concerning establishment of a Historic Overlay District.

E. Process for Designation

1. The HPC shall make its recommendation on the proposed Historic Resource or Historic District to the Planning and Zoning Commission within thirty (30) days from the date of the public hearing on the proposed designation of the historic resource or historic district, coupled with a request to establish a Historic Overlay District for the site or area.
2. Upon receipt of the HPC recommendation, the Planning and Zoning Commission shall give notice, conduct its public hearing and make recommendations to the City Council in the same manner and according to the same procedures as provided in Section 10.
3. The City Council shall give notice, follow the publications procedure, hold public hearings and make its determination on the Historic Overlay District in the same manner and in accordance with the procedures for a zoning amendment, as provided in Section 10.
4. Upon establishment of the Historic Overlay District designation, the Historic Overlay District shall be recorded on the official zoning map of the City of Waxahachie. All zoning maps shall identify the Historic Overlay District with the

suffix "H". The boundaries of each Historic Overlay District shall be described in detail and shall be filed in the city secretary's office for public inspection.

31.A.3 CERTIFICATE OF APPROPRIATENESS FOR ALTERATION, RESTORATION, OR NEW CONSTRUCTION WITHIN HISTORIC OVERLAY DISTRICTS:

A. Prohibition on Alteration or Development

1. Within a Historic Overlay District, no person shall alter any building, site, structure, landscape or object designated as a historic resource or alter any portion of the exterior of a structure within a historic district, or place, construct, maintain, expand or remove any structure on such site without first obtaining a Certificate of Appropriateness from the HPC.
2. No building permit shall be issued until an application for a Certificate of Appropriateness has been reviewed and approved by the HPC. The Certificate of Appropriateness shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Waxahachie.

B. Procedures for Certificate of Appropriateness

1. Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner shall file an application for such a certificate with the Heritage Preservation Commission. The Commission, if requested, shall aid the property owner in preparation and completion of the application. The application form shall contain the following:
 - (a) Name, address, telephone number of the applicant, and a detailed description of the proposed work.
 - (b) Current photographs of the property
 - (c) Historical photographs (if available) upon which the proposed work is based
 - (d) Elevation drawing(s) of any part of the structure that is visible from the public right-of-way with details drawn to scale for work to be done
 - (e) List of materials for all exterior surfaces and/or signs
 - (f) Dollar value of improvements to be made
 - (g) Location map of proposed buildings and structures
 - (h) Details of proposed light fixtures
 - (i) Sample(s) of material(s) to be used
 - (j) Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work.
2. An application for a Certificate of Appropriateness shall be submitted to the Heritage Preservation Officer or other designated City official as stipulated by the City Manager. The HPC shall hold a public meeting on the application within thirty (30) days of receipt of the completed application. All applications received twenty (20) days in advance of the next meeting will be reviewed and discussed at the next scheduled Commission meeting.
3. The HPC shall make a final decision on the application within forty-five (45) days of the filing date. If no action has been taken by such date, a Certificate of Appropriateness shall be deemed issued by the Commission.

4. All decisions of the HPC shall be in writing and will be sent to the applicant and the Building Official within ten (10) working days of the Commission's decision.

C. Criteria

The HPC shall take into account the following criteria for determining whether to issue a Certificate of Appropriateness.

1. The Downtown Waxahachie Design Guidelines, adopted by the City Council in August 2011, which are based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings shall be used in this process.
2. The judgment of new construction proposals and the rehabilitation of non-historic buildings will be based on the compatibility of the design within the context of the property's adjacent and nearby historic buildings.
3. The design of new buildings may have key elements of an existing or previous building of the historic period, including massing, scale, fenestration and materials. Buildings may not be absolute reproductions and shall appear as clearly contemporary.
4. Infill buildings between contributing buildings shall be similar in setback, roof form, cornice line and materials, to one of the adjacent buildings. The height of the new buildings shall relate to the heights of adjacent structures. New buildings should not tower over existing buildings. Exterior building finishes shall be similar to that of surrounding historic structures.
5. When constructing an addition to a historic building, it shall be done in a manner so that there is the least possible loss of historic materials and so that character defining features are not obscured, damaged or destroyed. Every effort should be made to locate the addition at the rear of the building or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.
6. The new addition should be designed in a manner that makes it clear what is historic and what is new. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms and mass, materials and relationship of solids to voids.

D. Appeal from Action of HPC Concerning Application for Permits

1. An applicant for a Certificate of Appropriateness dissatisfied with the action of the HPC on the application may appeal the decision to the City Council within fifteen (15) days after receipt of notification of such action. The applicant shall be advised by the Heritage Preservation Officer of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the same.

2. In determining the appeal, the City Council shall consider the same factors as the HPC, the report of the HPC and any other matters presented at the hearing on the appeal. The City Council shall affirm, modify or reverse the decision by the HPC on the application for the Certificate of Appropriateness, and may impose such conditions as are necessary to assure that the proposed action meets the criteria for approval. If the application is disapproved, the City Council may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. The applicant and the HPC shall be notified of the Council's decision by the Heritage Preservation Officer.

E. Issuance of Permits

1. Upon approval of an application for a Certificate of Appropriateness, the Building Official shall be authorized to issue a building permit or other permits required to undertake the action proposed in the application consistent with all applicable City standards.
2. No change shall be made in the scope of work for any building permit after issuance of Certificate of Appropriateness without submittal of an application to amend the Certificate, which shall be considered by the HPC in the same manner as provided above. If a property owner wishes to change the scope of work under a Certificate of Appropriateness, the property owner shall consult the Heritage Preservation Officer who shall have the authority to approve non-substantive changes. If the Heritage Preservation Officer deems the requested changes to be substantive, such changes shall be referred to the Heritage Preservation Commission for action.

31. A.4 MINOR IN KIND REPAIRS AND ORDINARY MAINTENANCE

1. Nothing in this Section 31.A shall be construed to prevent minor in kind repairs or ordinary maintenance. Minor in kind repairs and ordinary maintenance, including painting, do not require a Certificate of Appropriateness unless the tax incentive for maintenance is being sought. If the 25% tax incentive for maintenance is requested, all provisions of Section 24.57 in Ordinance #2288 will apply.
2. The Downtown Waxahachie Design Guidelines should be consulted when performing minor in-kind repairs or ordinary maintenance. The Heritage Preservation Officer is also available as an additional resource and should be consulted concerning questions about minor in-kind repairs and ordinary maintenance. If the Heritage Preservation Officer deems a Certificate of Appropriateness necessary, the procedures in Section 31.A.3 shall apply.

31.A.5 DEMOLITION OR RELOCATION OF HISTORIC RESOURCES

A. Demolition Permit Required

A permit for the demolition or relocation of a historic resource or any structure within a Historic Overlay District shall not be granted by the Chief Building Official without the review and approval of a completed application by the Heritage Preservation Commission. Any person, firm, or corporation who violates, disobeys, omits, neglects

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or refuses to comply with the provision of this ordinance shall be fined not more than \$2,000 for each offense.

B. Application

Certain information must be submitted by the applicant along with an application for a permit for demolition or relocation prior to the Heritage Preservation Commission making a ruling on the application. The applicant must supply the following information before the application is considered complete:

1. Information describing the condition of the structure.
2. An estimate of the cost of restoration or repair.
3. Demonstration that adaptive use or restoration of the structure has been seriously considered.
4. Any available historic records of the building (drawings, photographs).
5. Architectural drawings for the proposed new construction which is intended to replace the historic structure if applicable.
6. Any improvements proposed by the property owner to be placed on the land or new development that would mitigate the loss of the historic structure if applicable.
7. Any other information deemed appropriate by the Commission to assist in rendering a decision on the application.

C. Action on Application

Upon formal notification from the Heritage Preservation Officer that the application has been received, an automatic sixty (60) day stay will go into effect. During this time the Heritage Preservation Commission shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, the purpose behind preserving the structure, the character of the neighborhood, and all other factors it finds appropriate. If the Commission determines that, in the interest of preserving historical values, the structure should be preserved, it shall notify the

building official that the application has been disapproved. If disapproved, the applicant may appeal to the City Council in the same manner as for a Certificate of Appropriateness. If demolition or relocation is approved, the HPC shall notify the building official so the appropriate permit(s) can be issued.

31.A.6 DUTY TO MAINTAIN/DEMOLITION BY NEGLECT

No owner or person with an interest in real property designated as a historic resource, a National Register property, or included in a historic district shall allow such property to fall into a serious state of disrepair without requesting a demolition permit. Property owners who allow properties to fall into a serious state of disrepair are subject to all the provisions of Chapter 8, Article III in the City of Waxahachie Code of Ordinances.

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Examples of a state of serious disrepair shall include, but are not limited to, the following:

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Deterioration or crumbling of exterior stucco or mortar.
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
6. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.
7. Deterioration of ornamental features.

31.A.7 ENFORCEMENT

A. Compliance Required

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to all requirements included herein and all other City codes. It shall be the duty of the building inspector to periodically inspect any such work to ensure compliance.

B. Enforcement Proceedings

In the event that work being performed is found to not be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Heritage Preservation Commission, the Building Official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. All other remedies authorized under this Zoning Ordinance shall be applicable to non-compliance with a Certificate of Appropriateness.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this ordinance shall be fined not more than \$2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

31.A.8 DEFINITIONS

For purposes of this Section 31.A, the following definitions apply:

Archeology—the science or study of material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archeological Resources Protection Act of 1979.

Area—a specific geographic division in the City of Waxahachie

Building—any structure created to shelter people or things, such as a house, barn, church, office, hotel, or similar structure.

Certificate of Appropriateness – a signed and dated document evidencing the approval of the Heritage Preservation Commission and/or Heritage Preservation Officer for work proposed by an owner or applicant of a structure within a Historic Overlay District or an individual Historic Resource.

Citizen—a legal resident of the City of Waxahachie.

Demolition – an act or process (not withstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Downtown Waxahachie Design Guidelines – guidelines adopted by the Heritage Preservation Commission and the City Council for property designated as a Historic Resource or Historic District to protect, perpetuate and enhance the historical, cultural, architectural or archaeological character of an object, site, structure or district.

Development Review—means processing of proposed development requests.

Heritage Preservation, Heritage Commission or Commission – the Heritage Preservation Commission of the City of Waxahachie, as established by Ordinance 2288, Section 1-3, as amended.

Heritage Preservation Officer (HPO) – a staff person for the City of Waxahachie whose duties encompass all historic preservation activities for the city as established by Ordinance 2288, Section 1-4, as amended.

Historic Resource Preservation Plan (or Preservation Plan)—a document established by the Heritage Preservation Commission and adopted by the City Council to provide a current inventory of Historic Resources and Historic Districts and policy recommendations to guide historic preservation activities for the City of Waxahachie.

Historic Preservation—the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of Historic Resources, or any one or a combination of the foregoing activities.

Historic Property—the full range of properties identified in the Historic Resource Survey and/or special studies which are significant in history, pre-history, architecture, engineering, archaeology and culture, including properties significant to the whole nation or those significant at the state, regional, or local level.

Historic Resource—a structure, site, building, or landmark, or a collection of the same within an contiguous area of the City, which satisfies one (1) or more of the criteria set out in Section 31.A.2.B of this ordinance and which is designated as such in accordance with that Section.

Historic Overlay District—an area which includes two (2) or more structures or sites which satisfy one (1) or more of the criteria set out in Section 31.A.2.B, together with their accessory buildings, fences, and other appurtenances, located within a geographically definable area possessing a significant concentration, linkage or continuity of objects, sites or structures united

by past events or aesthetically by plan or physical development, and which is established as a zoning district in accordance with chapter 31.A of the Zoning Ordinance. A Historic Overlay District may have within its boundaries other structures that, while not of such historical, cultural, architectural or archeological significance as to be designated as an Historic Resource, nevertheless contribute to the overall visual setting of or characteristics of the Historic District.

Historic Resource Survey—the survey of Historic Resources published by the Heritage Preservation Commission, as amended from time to time.

Landmark—a structure or property that is of value in preserving the historical, cultural, architectural or archeological heritage, or is an outstanding example of design or a site closely related to an important personage, act or event in history.

Minor In-kind Repairs – small scale repairs to correct minor problems or damage to the exterior. Minor in-kind repairs do not include a change in design, material or outward appearance, only in-kind replacement or repair. Examples of minor in-kind repair include, but are not limited to touch-up painting, replacement of a window pane, caulking, securing loose boards, etc.

Non-Historic Resource—a structure, site, building, or landmark, which does not satisfy any of the criteria set out in Section 31.A.2.B of this ordinance and which is designated as such in accordance with that Section.

Object – material thing that can be seen or touched that is associated with cultural tradition or heritage. Examples include but are not limited to brass stop signs, obelisk street signs, or hitching stones.

Ordinary Maintenance – any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those material available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary Maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair. Examples of Ordinary Maintenance include, but are not limited to: replacement or repair of roofing materials, painting or other minor architectural features, etc.

Relocation—any change of the location of a structure, object or material thing in its present setting or to another setting.

Restoration—the act or process of accurately recovering the form and details of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Secretary of the Interior's Standards for Rehabilitation– the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, reported at 36 Code of Federal Regulations 67.7, as amended or as recodified.

Site—the location of a significant event, a prehistoric or historic occupation or activity, or a structure or cluster of structures, whether standing, ruined or vanished, where the location itself maintains historical or archeological value, regardless of the value of any existing structure.

Stabilization—the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated structure or property while maintaining the essential form as it presently exists.

Structure—anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings.

31.A.9 TAX INCENTIVES

The owner of property within a Historic Overlay District may qualify for the tax incentives set forth in Section 24.57 of Ordinance No. 2288 by complying with the criteria identified in that section in accordance with the procedures set forth in Section 24.58 thereof.

Zoning Ordinance—The Zoning Ordinance of the City of Waxahachie, as may be amended from time to time.

Section 3. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place.

Section 5. That this ordinance shall become effective from and after the date of its passage thirty days after its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS on this the ____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CITY ZONING ORDINANCE, ORDINANCE NO. 2288, AS AMENDED, TO SECTIONS 24.51 THROUGH 24.60 OF THE CITY'S CODE OF ORDINANCES, AND MATTERS RELATING TO THE HERITAGE PRESERVATION COMMISSION; AND THE HISTORIC OVERLAY DISTRICTS; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 211.001 et. seq. of the Texas Local Government Code authorizes the City Council of the City of Waxahachie to:

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

WHEREAS, the City contemplates amending Sections 24.51 through 24.60 of the Code of Ordinances to establish a Historic Overlay District, provide criteria and provide procedures for development within the District; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety and that Sections 24.51 through 24.60 of the Code of Ordinances of the City of Waxahachie, Texas, hereby is amended to read as follows:

Section 24.51. Purpose.

The City Council of the City of Waxahachie does hereby declare that as a matter of public policy the protection, enhancement, and perpetuation of areas and landmarks of historical and cultural importance and significance is necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that the Historic Resources of the City of Waxahachie represent the unique confluence of time and place that has shaped the identity of generations of citizens, collectively and individually, and these resources constitute the heritage of the citizens of Waxahachie.

This ordinance is intended to:

- (1) Perpetuate, protect, enhance, and preserve the Historic Resources and Historic Areas, which represent distinctive elements of Waxahachie's historic, architectural, social, economic, ethnic, and political heritage and to develop appropriate settings for such places by allowing property owners a vehicle for protecting their property by participation in this ordinance;
- (2) Safeguard the city's historic and cultural heritage, as embodied and reflected in Historic Resources, by application of appropriate resources;
- (3) Stabilize and improve property values in such locations;

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- (4) Provide property owners with an opportunity to voluntarily participate in the Historic Resource designation process and to receive all the benefits accrued by such participation.
 - (5) Foster civic pride in the beauty and accomplishments of the past, and to promote the use of historic landmarks for the culture, prosperity, education, and general welfare of the people of the City of Waxahachie;
 - (6) Strengthen the economy of the city and to protect and enhance the city's attractions to tourists and visitors, as well as provide support and stimulus to business and industry;
 - (7) Provide information to property owners and tenants as well as civic organizations concerned with historical preservation.

Section 24.52. Definitions.

All terminology used throughout this Heritage Preservation Ordinance is defined in Appendix A, located at the end of this ordinance.

Section 24.53. Heritage Preservation Commission.

This ordinance hereby creates a commission to be known as the Heritage Preservation Commission of the City of Waxahachie.

- (1) The Heritage Preservation Commission shall consist of ten (10) citizens of the City of Waxahachie to be appointed and confirmed by the City Council of the City of Waxahachie as follows:
 - a. One (1) member shall be from the architecture or design area of expertise.
 - b. Three (3) members shall have demonstrated an interest in the history of Waxahachie.
 - c. Three (3) members shall be owners of individual Historic Resources or property within one or more of the Historic Overlay Districts.
 - d. Ex-officio board members (non-voting members) shall include:
 1. One (1) representative from the Planning and Zoning Commission.
 2. One (1) representative from the City Manager's staff, such as the Heritage Preservation Officer.
 3. One (1) representative from the City Building Inspection staff.
- (2) All Heritage Preservation Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge of historic preservation within the City of Waxahachie.
- (3) Heritage Preservation Commission members shall serve for a term of two (2) years, with the exception that for the inaugural Commission, the City Council shall appoint four of the voting members to a term of three years and three of the voting members to a term of two years. The ex-officio members may be appointed for either annual or non-rotating terms at the discretion of the City Council.

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- (a) The chairman and vice-chairman of the Heritage Preservation Commission shall be elected by and from the members of the Heritage Preservation Commission.
 - (b) The functions of the Heritage Preservation Commission will include, but not be limited to, the following:
 - a. Prepare rules and procedures as necessary to carry out the business of the Heritage Preservation Commission.
 - b. Adopt criteria for the identification of Historic Resources and the delineation of Historic Overlay Districts.
 - c. Develop and maintain a Historic Resource Preservation Plan that will be utilized by the Heritage Preservation Commission, Planning and Zoning Commission, the City Council of Waxahachie, and the City of Waxahachie.
 - d. Conduct surveys as necessary, maintaining and updating an inventory of significant historic, architectural, archaeological, and cultural landmarks constituting Historic Resources within the City of Waxahachie.
 - e. Designate Historic Resources and Historic Overlay Districts.
 - f. Approve requests for historical designation of resources voluntarily brought forward by property owners of historical landmarks or properties.
 - g. Create committees from among its membership, as necessary to conduct the work of the Commission.
 - h. Maintain written minutes that record all actions taken by the Heritage Preservation Commission and the reasons for taking such actions. Minutes will be filed with the City Secretary.
 - i. Recommend conferral of recognition upon owners of Historic Resources or properties within Historic Overlay Districts by means of certificates, plaques, or markers.
 - j. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
 - k. Make recommendations to the City Council concerning the utilization of governmental or private funds to promote the preservation of Historic Resources or Historic Overlay Districts within the City of Waxahachie.
 - l. Approve or disapprove applications for Certificates of Appropriateness in accordance with this ordinance.
 - m. Recommend financial incentive programs (i.e. tax incentives, loan programs) for the preservation or rehabilitation of Historic Resources and Historic Overlay Districts.
 - n. Prepare specific guidelines for the review of Historic Resources and Historic Overlay Districts.
 - o. Informally review on an annual basis the conditions of the Historic Resources and Historic Overlay Districts and evaluate possible future needs.
 - (4) The Heritage Preservation Commission shall meet at least monthly. Special meetings may be called at any time by the chairperson or on written request of any two (2) Heritage Preservation Commission members. All meetings shall be in conformance with the Texas Open Meetings Act, Tex. Gov't Code Chapter 551.
 - (5) A quorum for the transaction of business shall consist of four (4) of the Heritage Preservation Commission voting members.
 - (6) A majority of the voting members present will constitute an official vote for the working mechanics of the Heritage Preservation Commission, but a minimum of five (5) affirmative votes will be required to grant a Certificate of Appropriateness.

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- (7) The Heritage Preservation Commission shall be appointed by, serve at the pleasure of and be accountable to and governed by the City Council as determined by city ordinance.

Section 24.54. Appointment of a Heritage Preservation Officer.

The City Manager shall provide for the appointment of a qualified city staff person to serve as the Heritage Preservation Officer. The Heritage Preservation Officer shall administer this ordinance and advise the Heritage Preservation Commission on matters submitted to the Commission. In addition to serving as a representative of the Heritage Preservation Commission, the Heritage Preservation Officer is responsible for coordinating the city's heritage preservation activities with those of local, state, and federal agencies and with local, state, and national non-profit preservation organizations, as well as other municipal departments and the general public. The Heritage Preservation Officer shall maintain the Historic Preservation Plan, applicable surveys and historic information and shall update such information from time to time, as necessary.

Section 24.55. Designation of Historic Resources or Establishment of Historic Overlay Districts.

(1) Criteria for Historic Resources and Historic Overlay Districts:

- (a) The Heritage Preservation Commission may designate a Historic Resource if it meets one of the following criteria:

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

- (b) The Heritage Preservation Commission may recommend establishment of a Historic Overlay District in accordance with the procedures of Section 31.A of the Zoning Ordinance in order to preserve Historic Resources if the area contains properties that meet one or more of the criteria for designation of a Historic Resource and constitutes a unique section of the City of Waxahachie that contributes to the heritage of the community.

(2) Designation of Historic Resources:

- (a) A property owner may petition the Heritage Preservation Commission to designate certain buildings, sites, structures, objects, or a collection of the same within a contiguous area of the City, as Historic Resources. Such Historic Resources shall be listed in the Heritage Preservation Commission's List of Historic Resources.
- (b) The Commission may designate a building, site, structure, object, or a collection of the same within a contiguous area of the City, as a Historic Resource following petition by the property owner or on its own initiative. Owners of said property shall be notified prior to the Commission's hearing. At the aforementioned public hearing, commissioners,

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owners, and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed Historic Resources or district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.

- (c) Designation of a building, site, structure, or collection of the same within a contiguous area of the City, as a Historic Resource, entitles the owner of such property to apply for the tax incentives in section 24.57 of this ordinance, subject to the standards established therein.
- (d) The designation as a Historic Resource may be removed with the approval of the Commission.

Section 24.56. Certificate of Appropriateness for Alteration, Restoration, or New Construction Affecting Historic Resources.

- (1) No owner of a Historic Resource or National Register property shall do any of the following without disqualification from participation in the tax incentives programs in section 24.57 of this ordinance. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with the provisions of this ordinance shall be fined not more than \$2000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense
 - (a) Implement any exterior alteration, restoration, reconstruction, new construction, or movement of a Historic Resource, (excluding Minor In-kind Repairs and Ordinary Maintenance as described in Section 24.60) without first applying for and receiving a Certificate of Appropriateness from the Heritage Preservation Commission.
 - (b) Make any change in the appearance of the Historic Resource, (i.e. light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from the public right-of-way, excluding Minor In-kind Repairs and Ordinary Maintenance as described in Section 24.60) which affect the appearance and cohesiveness of the Historic Resource, other Historic Resources, or a Historic Overlay District without first applying for and receiving a Certificate of Appropriateness from the Heritage Preservation Commission.
 - (c) Demolish an individual Historic Resource or remove it from its site.
 - (d) Allow a Historic Resource to fall into a serious state of disrepair, such that deterioration of an exterior architectural feature would be likely to produce a detrimental effect upon the character of the Historic Resources, other Historic Resources in proximity, or a Historic Overlay District.

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

- (1) Deterioration of exterior walls or other vertical supports.
- (2) Deterioration of roofs or other horizontal members.
- (3) Deterioration of exterior chimneys.

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- (4) Deterioration or crumbling of exterior stucco or mortar.
 - (5) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
 - (6) Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.
 - (7) Deterioration of ornamental features.

Any new construction on the site of an individual Historic Resource will require that design and construction be in keeping with the architecture of the area constituting the Historic Resource and will require a Certificate of Appropriateness from the Commission.

Section 24.57. Tax Incentives

(1) Historical Appraised Tax Value Exemption (Residential and Non-Residential)

- (a) Historic Resources and property within a Historic Overlay District shall be eligible for a historical appraised tax value exemption of twenty-five percent (25%) of the City portion of the property taxes on the appraised value of the property, based on meeting all of the following criteria:
 1. All modifications or expansions are completed pursuant to the issuance of Certificate(s) of Appropriateness under Section 24.56 and 24.59.
 2. The Historic Resource or property within a Historic Overlay District is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or State Archaeological Landmark by the Texas Historical Commission, or has been designated by the City of Waxahachie as a historically significant site in accordance with the Texas Property Tax Code.
 3. The Historic Resource or property within a Historic Overlay District must adhere to all city ordinances.
- (b) To be eligible for the historical appraised tax value exemption, the owner of the Historic Resource or property within a Historic Overlay District must make application annually prior to the 15th day of March to the City of Waxahachie. Applications received after March 15th will be considered for the next tax year.

(2) Residential Tax Incentive Program

- (a) Eligible Historic Resources or property within a Historic Overlay District shall be entitled to a reinvestment tax incentive of up to 50 percent of the City portion of the total property tax bill for restorations that amount to one thousand two hundred and fifty dollars (\$1,250) or more. Eligible properties may apply for a reinvestment tax incentive of up to 25 percent of the City portion of the total property tax bill for routine maintenance projects that amount to one thousand two hundred and fifty dollars (\$1,250) or more. Both incentives are based on meeting all of the following criteria:
 1. All modifications or expansions are completed pursuant to the issuance of Certificate(s) of Appropriateness issued pursuant to the Section 31.A of the Zoning Ordinance or as provided for in this ordinance.

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2. The Historic Resource or property within a Historic Overlay District is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or State Archaeological Landmark by the Texas Historical Commission, or has been designated by the City of Waxahachie as a historically significant site in accordance with the Texas Property Tax Code.
3. The Historic Resource or property within a Historic Overlay District must adhere to all city ordinances.

- (b) Each property owner who desires to apply for an historic reinvestment tax incentive shall apply for said incentive on or before March 15th of the year the tax incentive is to be granted. The incentive, if granted, shall be applicable for only one year. Applications received after March 15th will be considered for the following tax year. Subsequent incentives for additional projects must be applied for each year. Application shall be made on the official form provided by the City of Waxahachie, Texas.

(3) Non-Residential Tax Incentive Programs

- (a) Historic Resources or property within a Historic Overlay District which are non-residential and which are listed on the National Register of Historic Places, or recorded as a Texas Historic Landmark or State Archaeological Landmark by the Texas Historical Commission, or which are designated as historical and appear on the Historic District map maintained by the Commission, shall be eligible for historic reinvestment tax incentives upon terms and conditions as hereinafter ordained.

- (b) Eligible Historic Resources shall be entitled to a reinvestment tax incentive of up to 50 percent of the total City portion of the property tax bill for restorations amounting to one thousand two hundred and fifty dollars (\$1,250) or more. Investments eligible for this incentive shall be those made for:

- structural repairs and improvements
- electrical repairs and improvements
- plumbing repairs and improvements
- mechanical repairs and improvements
- interior repairs and improvements
- exterior restoration

1. When any of the eligible investments are being considered, the Heritage Preservation Officer shall be consulted. If the Heritage Preservation Officer deems a Certificate of Appropriateness necessary, the standard rules for its procedure shall apply.

- (c) In addition to the above requirements, each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed time frame. If façade restoration is contemplated, the project must comply with Waxahachie Downtown Design Guidelines, which are based on the Secretary of the Interior's Standards. Prior to beginning the reinvestment project, the property owner shall apply for and receive a Certificate of

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Appropriateness pursuant to Section 31.A of the Zoning Ordinance or as provided for in Sections 24.56 and 24.59 of this ordinance.

- (d) The Heritage Preservation Commission must approve all contemplated reinvestment projects via a Certificate of Appropriateness. The applicant must secure all city permits and must secure periodic City inspection of the project to insure proper completion of the project.

Section 24.58. Tax Incentive Application and Approval Process

- (1) When filing a Tax Incentive Application with the Heritage Preservation Officer, the applicant shall:
 - (a) Certify to the Heritage Preservation Officer that the subject property is a Historic Resource or is within a Historic Overlay District.
 - (b) Certify to the Heritage Preservation Officer that the tax incentive request is for a project that has received a Certificate of Appropriateness pursuant to Section 31.A of the Zoning Ordinance or under Sections 24.56 and 24.59 of this ordinance.
 - (c) Certify to the Heritage Preservation Officer that the project for which the applicant wishes to apply a tax reduction has been completed.
- (2) An application for a tax incentive shall be initiated by the owner of the subject property or by his or her agent, by completion of the appropriate application forms provided by the Heritage Preservation Officer. The application shall include all receipts for the cost of the project as well as an affidavit affirming that all information on the application is correct and the receipts presented are for the cost of the project. Said application shall be received by the Heritage Preservation Officer at least twenty (20) days prior to a public meeting of the Heritage Preservation Commission.
- (3) No fees shall be required either upon filing of the application or upon approval or disapproval by the Heritage Preservation Commission.
- (4) The Heritage Preservation Commission shall hold a public meeting on all requests for tax incentives. Said meeting shall not be scheduled until the completed application form is submitted.
- (5) At the public meeting the Heritage Preservation Commission shall determine, from the data submitted by the applicant and the information provided by the Heritage Preservation Officer, if the completed project is substantially in compliance with the Certificate of Appropriateness. If the Commission finds that additional information relative to the pending application is necessary for its review, the Commission may postpone the public meeting on an application until such information is provided.
- (6) The Commission shall have the authority to approve or disapprove an application for a tax incentive, or to approve a request with such conditions as the Commission deems necessary to bring the project into compliance with the approved Certificate of Appropriateness. The Commission shall not approve requests for tax incentives where the project was completed prior to the adoption of this ordinance, where the applicant has not obtained a Certificate of Appropriateness, or where the applicant has not

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substantially complied with the requirements imposed on a Certificate of Appropriateness.

(7) Effective Date

Upon approval by the Heritage Preservation Commission, the Heritage Preservation Officer shall notify the Ellis County Tax Assessor. The Tax Assessor shall reduce the City portion of the property tax for the subject property by 50 percent in accordance with the provisions herein and as indicated by the approved request.

Section 24.59. Certificate of Appropriateness Application Review and Process

- (1) Prior to commencement of any work requiring a Certificate of Appropriateness, the property owner shall file an application for such a certificate with the Heritage Preservation Commission. The Commission, if requested, shall aid the property owner in preparation and completion of the application. The application form shall contain the following:
 - (a) Name, address, telephone number of the applicant, and a detailed description of the proposed work
 - (b) Current photographs of the property
 - (c) Historical photographs (if available) upon which the proposed work is based
 - (d) Elevation drawing(s) of any part of the structure that is visible from the public right-of-way with details drawn to scale for work to be done
 - (e) List of materials for all exterior surfaces and/or signs
 - (f) Dollar value of improvements to be made
 - (g) Location map of proposed buildings and structures
 - (h) Details of proposed light fixtures
 - (i) Sample(s) of material(s) to be used
 - (j) Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work
- (2) The Certificate of Appropriateness shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Waxahachie. The Downtown Waxahachie Design Guidelines, based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings (the "Secretary of the Interior's Standards"), shall be used in this process.
- (3) The Heritage Preservation Commission shall hold a public meeting on the application within thirty (30) days of receipt of the completed application. All applications received twenty (20) days in advance of the next meeting will be reviewed and discussed at the next scheduled Commission meeting.
- (4) All decisions of the Heritage Preservation Commission shall be in writing and will be sent to the applicant and the Heritage Preservation Officer within ten (10) working days of the Commission's decision.
- (5) No change shall be made in the scope of work for any building permit after issuance of a Certificate of Appropriateness without resubmitting to the Commission and approval

thereof in the same manner as provided above. If a property owner wishes to change the scope of work under a Certificate of Appropriateness, the property owner shall consult the Heritage Preservation Officer who shall have the authority to approve non-substantive changes. If the Heritage Preservation Officer deems the requested changes to be substantive, such changes shall be referred to the Heritage Preservation Commission for action.

- (6) If the Heritage Preservation Commission has not made a final decision within forty-five (45) days of the application filing date, a Certificate of Appropriateness shall be deemed issued by the Commission.

Section 24.60. Minor In-Kind Repairs and Ordinary Maintenance.

- (1) Nothing in this section shall be construed to prevent minor in-kind repairs or routine maintenance. Minor in-kind repairs and ordinary maintenance, including painting, do not require a Certificate of Appropriateness unless the tax incentive for maintenance is being sought. If the 25% tax incentive for maintenance is requested, all provisions of Section 24.57 of this ordinance shall apply.
- (2) Downtown Waxahachie Design Guidelines should be consulted when performing minor in-kind repairs or ordinary maintenance. The Heritage Preservation Officer is also available as an additional resource and should be consulted concerning questions about minor in-kind repairs and ordinary maintenance. If the Heritage Preservation Officer deems a Certificate of Appropriateness necessary, the standard rules for its procedures shall apply.

HISTORIC PRESERVATION ORDINANCE

Appendix A – Definitions

Archeology - the science or study of the material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archeological Resources Protection Act of 1979.

Area - a specific geographic division in the City of Waxahachie.

Building - any structure created to shelter people or things, such as a house, barn, church, office, hotel, or similar structure.

Certificate of Appropriateness - a signed and dated document evidencing the approval of the Heritage Preservation Commission and/or Heritage Preservation Officer for work proposed by an owner or applicant of a structure within a Historic Overlay District or an individual Historic Resource.

Citizen – a legal resident of the City of Waxahachie.

Demolition – an act or process (not withstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Downtown Waxahachie Design Guidelines – guidelines adopted by the Heritage Preservation Commission and the City Council for property designated as a Historic Resource or Historic

District to protect, perpetuate and enhance the historical, cultural, architectural or archeological character of an object, site, structure or district.

Development Review – means processing of proposed development requests.

Heritage Preservation, Heritage Commission or Commission – the Heritage Preservation Commission of the City of Waxahachie, established in accordance with Section 1-3.

Heritage Preservation Officer (HPO) – a staff person for the City of Waxahachie whose duties encompass all historic preservation activities for the city as established in accordance with Section 1-4 of this ordinance.

Historic Resource Preservation Plan (or Preservation Plan) – a document established by the Heritage Preservation Commission and adopted by the City Council to provide a current inventory of Historic Resources and Historic Districts and policy recommendations to guide historic preservation activities for the City of Waxahachie.

Historic Preservation – the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of Historic Resources, or any one or a combination of the foregoing activities.

Historic Property – the full range of properties identified in the Historic Resource Survey and/or special studies which are significant in history, pre-history, architecture, engineering, archaeology and culture, including properties significant to the whole nation or those significant at the state, regional, or local level.

Historic Resource – a structure, site, building, or landmark, or a collection of the same within a contiguous area of the City, which satisfies one (1) or more of the criteria set out in Section 1-5 of this ordinance and which is designated as such in accordance with that Section.

Historic Overlay District – an area which includes two (2) or more structures or sites which satisfy one (1) or more of the criteria set out in Section 1-5, together with their accessory buildings, fences, and other appurtenances, located within a geographically definable area possessing a significant concentration, linkage or continuity of objects, sites or structures united by past events or aesthetically by plan or physical development, and which is established as a zoning district in accordance with chapter 31.A of the Zoning Ordinance. A Historic Overlay District may have within its boundaries other structures that, while not of such historical, cultural, architectural or archaeological significance as to be designated as an Historic Resource, nevertheless contribute to the overall visual setting of or characteristics of the Historic District.

Historic Resource Survey – the survey of Historic Resources published by the Heritage Preservation Commission, as amended from time to time.

Landmark – a structure or property that is of value in preserving the historical, cultural, architectural or archeological heritage, or is an outstanding example of design or a site closely related to an important personage, act or event in history.

Minor In-kind Repairs – small scale repairs to correct minor problems or damage to the exterior. Minor in-kind repairs do not include a change in design, material or outward appearance, only in-kind replacement or repair. Examples of minor in-kind repair include, but are not limited to, touch-up painting, replacement of a window pane, caulking, securing loose boards, etc.

Non-Historic Resource – a structure, site, building, or landmark, which does not satisfy any of the criteria set out in Section 1-5 of this ordinance and which is designated as such in accordance with that Section.

Object—material thing that can be seen or touched that is associated with cultural tradition or heritage. Examples include but are not limited to brass stop signs, obelisk street signs, or hitching stones.

Ordinary Maintenance – any work, the purpose and effect of which is to correct any deterioration or decay of or any damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair. Examples of Ordinary Maintenance include, but are not limited to: replacement or repair of roofing materials, painting, or other minor architectural features, etc.

Relocation – any change of the location of a structure, object or material thing in its present setting or to another setting.

Restoration – the act or process of accurately recovering the form and details of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Secretary of the Interior's Standards for Rehabilitation – the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, reported at 36 Code of Federal Regulations 67.7, or as recodified.

Site – the location of a significant event, a prehistoric or historic occupation or activity, or a structure or cluster of structures, whether standing, ruined or vanished, where the location itself maintains historical or archeological value, regardless of the value of any existing structure.

Stabilization – the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated structure or property while maintaining the essential form as it presently exists.

Structure – anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings.

Zoning Ordinance – The Zoning Ordinance of the City of Waxahachie, as may be amended from time to time.

Section 3. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

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Section 4. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for us and development of property may be known and in place.

Section 5. That this ordinance shall become effective from and after the date of its passage thirty days after its adoption

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS on this the _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO SECTION 34.2 OF THE CITY OF WAXAHACHIE ZONING ORDINANCE, LOCATED AT APPENDIX A OF WAXAHACHIE CITY CODE, REGARDING ROOF MATERIALS FOR SINGLE-FAMILY AND DUPLEX STRUCTURES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has adopted a comprehensive zoning ordinance ("Zoning Ordinance"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, Section 34.2(B)(3) of the Zoning Ordinance addresses, as part of the development standards for Single-Family and Duplex Residential Structures, permitted roof materials for a single-family and duplex structures for new construction; and

WHEREAS, it has been determined that a modification to such roof material standards, for both new construction existing structures, is in the best interests of the City of Waxahachie ("City"); and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on _____, and a public hearing was held by the City Council on _____, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Section 34.2 of the Zoning Ordinance, first paragraph, is hereby amended to read as follows:

Minimum masonry exterior construction standards. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within the City. (See subsection E. for exceptions.) Notwithstanding this provision, Section 34.2(B)(3) of the Zoning Ordinance (regarding roof materials for a single-family or duplex structures) shall apply to (1) new building construction and (2) existing structures for which new roofing materials are to be used for roof repair or replacement. There are no exemptions from the roofing materials standards for existing single-family or duplex structures.

Section 3. Section 34.2(B)(3) of the Zoning Ordinance is hereby amended to read as follows:

Roof materials for a single-family or duplex structure shall be comprised of laminated, three-dimensional appearance composition architectural shingles (30-year minimum); flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed); or terra cotta or slate tile in muted colors. No three-tab type shingles are permitted. Minimum roof pitch shall be at least 7:12, unless otherwise stated in the applicable zoning district or PD ordinance.

Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 5. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary