

ORDINANCE NO. 2827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL BY AMENDING SECTION 27B DOWNTOWN DISTRICT BY ADDING AN EXEMPTION FOR EXISTING RESIDENTIAL STRUCTURES AND AMENDING SECTION 32 USE CHART 2 BY THE ADDITION OF A PROVISION FOR EXISTING RESIDENTIAL USE (“E”) ON JANUARY 1, 2020; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

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

ARTICLE I.

THAT Appendix 2, Zoning Ordinance of the City of Terrell be amended as follows, to-wit:

SECTION 27B DOWNTOWN DISTRICT (DD)

27B.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the **Downtown District (“DD”)** are designed to maintain and encourage development and redevelopment surrounding the Central Business District of the City in a “pedestrian friendly” environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the City. They are also intended to preserve and enhance the community’s “small town” heritage and the unique character of the City’s original business district.

27B.2 PERMITTED USES:

- A. Those uses listed for the **DD** in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10). Some design and other regulatory elements may also be available only by specific use permit. **In addition, the Use Chart designation “E” allows residential use according to subsection 27B.6 B3.**

27B.3 HEIGHT REGULATIONS:

A. Height:

1. Maximum Four (4) stories for the main building(s).
2. Maximum One (1) story for accessory buildings.
3. Maximum Other (Section 38).
4. Minimum Two (2) stories for the main building, or lower with a specific use permit

27B.4 AREA REGULATIONS:

A. Size of Lot:

1. **Minimum Lot Area** - none specified
2. **Minimum Lot Width** - none specified
3. **Minimum Lot Depth** - none specified

B. Size of Yards:

1. **Minimum Front Yard** - none specified
2. **Minimum Side Yard** - none specified
3. **Minimum Rear Yard** - none specified

C. Maximum Lot Coverage – one hundred percent (100%) including main and accessory buildings

D. Maximum Floor-Area-Ratio (FAR) – four to one (4:1), or greater with a specific use permit

E. Parking Requirements: On-site parking shall be required within this district. All parking areas shall conform to the requirements of Section 33.3. However the Director of Municipal Development may waive any such requirement upon the submittal of a site plan which adequately provides for a pedestrian oriented development and associated pedestrian infrastructure. In such case, enclosure of open drainage and provision of a 10 foot side walk, both conforming to the requirements of the City Engineer in combination with a pedestrian oriented building facade, pedestrian shade by structural overhang and/or landscaping shall be considered adequate for such a partial or full waiver upon review on the site plan by City staff. **Alternatively, either City Staff or the applicant may submit the site plan/parking plan to the Planning and Zoning Commission for review. In such case, the Planning and Zoning Commission may recommend approval or denial to the City Council for City Council determination.**

27B.5 DESIGN CRITERIA

A. Purpose

The zone immediately surrounding Terrell's Downtown District (DD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of Terrell.

B. Goals

1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the area surrounding the Central Business District shall be the primary consideration in the development design review.
2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the district shall be considered as a high priority in future development.
3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.

4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

C. General Provisions

1. Site plan and design review is required for all new construction and substantial renovation of existing buildings within the Downtown District. Substantial renovation means:
 - a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
 - b. An increase in the floor area of the building greater than 10 percent.
2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review). However, all renovation work does require a valid building permit and may require an asbestos survey prior to the start of construction.
3. Physical properties of an existing building such as setbacks, foot prints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.

D. Mixed Use Criteria

1. The Downtown District may contain any combination of uses shown in the Use Chart in Section 32 (Use Charts) for DD.
2. Within the Downtown District there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
 - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than 50 percent of the floor area of the building; and do not occupy the area adjacent to the street front.
 - b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
 - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.
 - d. In block faces within the Downtown District that are currently developed with commercial structures, new construction shall be compatible commercial structures.
3. **Minimum Floor Area per Dwelling Unit second floor and above only:**
 - a. Efficiency unit – Five hundred fifty (550) square feet per unit.
 - b. One-bedroom unit – Six hundred (600) square feet per unit.
 - c. Two- or more bedroom unit – Eight hundred (800) square feet for the first two (2) bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (2) (e.g., three-bedroom unit must have 1,000 square feet, etc.).

E. Downtown District Development and Design Standards

1. All properties must meet requirements provided in this section for Site Design and Architectural Standards.
2. **Purpose of Downtown District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the downtown a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.
 - a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.
 - b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Terrell, ensure new construction is compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.
3. **Design Standards Review.** All new development shall comply with the Site Design Standards, and the Architectural Standards in section 27B.

4. Site Design Standards

a. Building Placement - Commercial Structures

- (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than 50 percent of the block face.
- (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
- (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen (15') feet minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet to provide for wider sidewalks and entries when the side property line is along a street.
- (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
- (5) All service areas, dumpsters and loading shall be from the rear of the building or alley, or designated common area according to an approved site plan.

5. Architectural Design Standards

a. Street Facade – Commercial Structures

- (1) Primary street facades for nonresidential buildings in the Downtown District shall have the following basic features of existing historic buildings:
 - (a) Cornice at top of facade;
 - (b) Display windows with transom windows above and lower window panels below.
 - (c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.
 - (d) Second floor windows, recessed with multiple lights, lintels, and sills.

- (2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown.
- (3) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:
 - (a) Street facades on side streets that meet the requirements for primary facades; or
 - (b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or
 - (c) Pediments added to the top of the facade; or
 - (d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or
 - (e) Use of natural wooden doors with glass windows; or
 - (f) Projecting canopies and or awnings placed over the ground floor windows and doors.
- (4) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
- (5) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.
- (6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.
- (7) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.

b. Building Proportions – Commercial Structures

- (1) Overall height of single story commercial buildings in the Downtown District shall be between 18 and 26 feet.
- (2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.
- (3) The ground floor facade shall have at least 45 percent of its area in transparent windows, or doors. The second floor facade shall have at least 20 percent of its area in windows. The area of windows includes any mullions framing individual lights within the window frame.



Figure 27B-1 Typical Features of Commercial Structures in the Downtown District

c. Building Materials - Commercial Structures

- (1) The base facade materials for commercial structures within the Downtown District shall be brick or stone. Architectural details, trim, window or door framing may be wood, stone, cast stone, cast iron, or other materials compatible with the historic and architectural character of historical Terrell.

6. Fencing – Commercial Structures

- a. Any fencing for commercial structures within the Downtown District shall be in the rear of the building not visible from the street.

7. **Color Palette** - Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape.

- a. Color palettes shall be compatible with the historic and architectural character of the Central Business District and should not be garish or otherwise out of character with the historical context of the Terrell. The following color palettes are acceptable:

- (1) Sherwin Williams - Preservation Palette
- (2) Pittsburgh Paints - Historic Paints
- (3) Do It Best Paints - American Historical Restoration Colors (Exteriors only)
- (4) Valspar - American Tradition Historic Colors (Lights only)

8. **Façade Openings** - Façade openings shall comprise at least forty percent (40%) of the building's façade area.
9. **Awnings/Canopies**
 - a. *Ratios* -- Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.
 - b. *Projection* -- Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet (5') outward from the building face/surface.
 - c. *Colors and Materials* -- A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material which is complementary to the period or building style (metal or plastic shall be prohibited).
 - d. *Movement* -- Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.
10. **Building Façade Plan:** The architectural style of new/renovated buildings within the Downtown district shall be compatible with the historical styles of historical Terrell buildings.
 1. In addition to the Building Permit Plan which is required by Section 12 of this Ordinance, a Building Façade Plan shall also be required. The Building Façade Plan shall be submitted in conjunction with the Building Permit Plan application.
 2. The Building Façade Plan shall clearly show how any new structure and/or any structure that is undergoing exterior renovations will look, and shall portray a reasonably accurate depiction of the materials to be used. Especially significant is the way in which such structure(s) will be viewed from the thoroughfare upon which the property faces and/or sides.
 3. Review, approval and appeal procedures shall be the same as the procedures for a Building Permit Plan, as outlined in Section 12.
 4. The MD Director (or his/her designee) may, as he/she deems appropriate, require submission of information and materials (possibly actual samples of materials to be used) additional to those initially submitted by the applicant during the Building Façade Plan review process.
11. **Overhead Power Lines** - New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.
12. **Pedestrian Streetscape** - Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

13. **Furnishings** - Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical time frame of the area, and shall be located not more than five feet (5') from the building front/facade.
14. **Open Storage** - Open storage is prohibited in the Downtown District.

27B.6 MAINTENANCE AND PRESERVATION

A. Purpose

Buildings in the Downtown District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of downtown.

B. Preservation of Architectural Features and Materials

1.Facades

- a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
- b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
- a. Wood materials should be painted at least every five years to prevent deterioration.
- b. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
- c. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.
- d. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.
- e. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.

2.Demolition

- a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
- b. If demolition reveals the side of an adjacent building that was designed never to be exposed, the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.

3. Existing Residential Structures

- a. The Downtown District is a unique transition zone. In some cases it affords a transition between existing neighborhoods and the Central Business District. As such, buildings existing on January 1, 2020, originally constructed as residential prior to January 1, 2020, may have a residential use of the same number of units on the same parcel as an allowable use indefinitely.
- b. This allowance does not include any property fronting on US 80, FM 986 or Spur 226.
- c. This allowance is limited to residential uses identified as “E” in the Residential Use Chart. Further, this allowance is granted to the parcel and only to parcels with an existing residential structure on January 1, 2020. In the event, such a structure burns, is destroyed by an Act of God, is demolished by the owner or the City, or in the event the structure is fully renovated, the allowance for continued residential use continues same number of units. Such allowance remains for any new structure upon the same parcel.

ARTICLE II.

THAT Appendix 2, Section 32, Use Regulations (Charts) in the Zoning Ordinance of the City of Terrell be amended as follows to-wit:

Section 32. Use Regulations. (Charts)

Chart 2. Residential Uses.

Legend P – The land use is <u>permitted</u> by right in the zoning district indicated. – The land use is <u>prohibited</u> in the zoning district indicated. S – The land use <u>may be approved</u> as a specific use permit (SUP) in the zoning district indicated. R – Use is <u>restricted</u> and is prohibited within 700 ft. of a major highway ROW in the HC District. T – Temporary Use Permit required. E – The land use is prohibited in the zoning district indicated except for parcels with an existing residential use on January 1, 2020. See Section 27B.																		
RESIDENTIAL USES	Residential Zoning Districts										Non-Residential Zoning Districts							
	AG	EE-32	SF-16	SF-10	SF-7.5	SF-6	TX	TH-12	MF	MH	O	NS	R	DD	HC	C	LI	DD
Bed and Breakfast Inn	P	P					P		P	P				S				S
Four-Family Dwelling (Quadriplex)									P	S								
Independent Living Facility For Elderly/Seniors									P	S					R			
Live/Work Dwelling Units (First Floor Retail Required)									P				S	P	S			P
Manufactured Home (HUD CODE)										P								
Mobile Home (built prior to June 15, 1976)																		
Multi-Family Residential									P									
Rooming/Boarding House									P									
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P	S	S								E
Single-Family Attached Dwelling (Townhouse)								P	P	S								E
Three-Family Dwelling (Triplex)									P									
Two-Family Dwelling (Duplex)									P									E
Zero Lot Line Single-Family Dwelling (Patio Home)								P	P	S								E
Loft														P				P

ARTICLE III.

THAT all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE IV.

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE V.

THAT this Ordinance will take effect immediately from and after its passage.

PASSED AND APPROVED ON FIRST READING THIS 24TH DAY OF MARCH, 2020.

PASSED AND ADOPTED ON SECOND READING THIS 31ST DAY OF MARCH, 2020.

E. Rick Carmona, Mayor

ATTEST:

Dawn Steil, Acting City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney