

Re: Review of PROPOSED ZONING ORDINANCE

To: The Mayor and Town Commissioners of the Town of Ennis, MT

The proposed zoning ordinance under review is the result of the efforts of a few commissioners, consultant and others. It is therefore surprising that the elected officials and the consultant believe that this draft document reflects in any manner the character, environment and community that is this Town.

The following review of the PROPOSED ZONING ORDINANCE for the Town of Ennis, Montana only reflects a portion of the comments on this document, but does address the most flagrant provisions.

For a community of small size as Ennis, and our limited future capacity to grow, this document is inappropriate, circuitous, over restrictive, punitive in nature and certainly does not support the 2014 Ennis Growth Policy as it is purported to do.

The Growth Policy predicts the addition of 107 people in the next 20 years (please refer to page 36 of the Growth Policy 2014) and applies to only 137 available parcels within the Town of which 102 are of a size of less than ½ acre. Only 2 parcels are reported to be greater in size than 2 acres. Please refer to page 21 of the Growth Policy.

Pages 38 through 43 of this same Growth Policy set forth Community Goals, Objectives, and Implementation Strategy of which few or NO items have been achieved since the policy's adoption in 2014. There is no correlation of the 101 pages of this proposed zoning ordinance to support these growth goals and objectives. In fact, the proposed zoning ordinance can be argued to block these objectives.

The proposed zoning ordinance appears to be plagiarized from a community much different from our community. It would be good to know where the consultant copied this draft ordinance.

The proposed zoning ordinance is full of ambiguities, and superfluous statements and "feelings" and has baseless enforcement statements founded on opinionated interpretation.

The proposed zoning ordinance gives the Town Commission almost limitless authority to personally judge the adequacy of residential, commercial, industrial properties and open land within the Town limits and decree on the necessary hardships to grant a variance.

The proposed zoning ordinance creates a bureaucracy that mimics a totally different community than Ennis has been for over a hundred years.

It is recommended that this entire proposed ordinance be thrown out, and the Town start over with an independent team made up of citizens with experience in business, land development, engineering, architectural, construction, and city administration to create a totally different approach to support the limited future growth of Ennis while providing responsive service not mandating ubiquitous policy.

It is also recommended that the Town undertake a simple review of other communities of our size and characteristics to build an understanding of what ordinance regulations have worked for them over the years. Have their ordinances been in affect for a long enough period of time to truly state that they have resulted in a community that we strive to preserve?

It is recommended that whatever final ordinance is adopted, it be based upon service to the community, simple and direct method of enforcement, and be realistic in the goals to preserve the community that Ennis has established itself over decades of rural existence and community interaction.

It is recommended that the Town of Ennis welcome new businesses, promote home building and efficient utilization of existing utilities by concentrating on the tailored build-out of its remaining land/parcels within the Town's limits.

Please refer to Exhibit A – Review comments, and Exhibit B – Proposed Ordinance Management Flow Diagram to understand the complexity and intrusive nature of the proposed zoning ordinance.

Sincerely,

John S. Heckler – Business Owner, Property Owner within the Town of Ennis

PROPOSED ZONING ORDINANCE
EXHIBIT A
REVIEW COMMENTS
TOWN OF ENNIS, MONTNANA
February 28, 2018

Introduction

The following is only a partial review of the proposed new Zoning Ordinance, dated February 6, 2018. This review includes Town Maps, Sequence Flow/ Relation Diagram, and the notes/comments themselves as noted on the Draft copy and presented herein.

Review Comments & Suggestions/Recommendations

1. How do these draft zoning ordinances improve the Town's position to meet the goals of the Growth Policy as stated in Paragraph 11-1-11? Please review the goals set forth in this Growth Policy PART 3: COMMUNITY GOALS, OBJECTIVES, AND IMPLEMENTATION STRATEGY (pages 38 – 43)

2. Where/ what communities did the consultant and sub-committee refer/copy these proposed zoning ordinances:
 - a. If copied, is the community (or communities) representative of the Town of Ennis?
 - b. How long has this community been using these ordinances? If for a short period of less than 10 years, what effect has the draft ordinances have on the community?
 - c. Is the community approximately the same size of Ennis?
 - d. Is the community in the same phase of build-out as Ennis?

SUGGESTION/RECOMMENDATION .

First find communities that we would want to emulate. Get copies of their Zoning Ordinance(s) and see if they work with appropriate time?

3. Please refer to the Sequence Flow / Relation Diagram. What is called for in the draft zoning ordinances results in a very complex, circuitous , over-lapping responsibility, cumbersome management, highly enforcement oriented, time consuming, and confusing system.
 - a. The Zoning Administer has too much responsibility, authority and complexity in his/her work description.
 - b. The Zoning Administer may be breaking State and Federal laws in his inspection and rights of entry as written?
 - c. The Zoning Administer must have deep experience in engineering, public safety , code interpretation, facility inspection and safety as well as being

capable to perform his/her work in a normal work week. Qualifications must be available to determine if the Zoning Administer meets the requirements of the position.

4. Official Zoning Map (11-1-7).

The draft ordinance states “ shall be the final authority”.

- a. Who is the librarian of the Official Zoning Map. Does the Town have the GIS capability to maintain the map? Does the Town require the services of a consultant to keep the map?
- b. If the map is truly the “final authority” the draft ordinance does not address the control of the map other than being under the Zoning Administer’s duties. There appears to be no public participation in all of the notations, records and issuance of changes to the map – and it is the “final authority”?
- c. What guaranties does the Town Commission provide that the map is always current?
- d. The map requires the signature of the Mayor. What capability of the Mayor exists to certify the map?

*SUGGESTION / RECOMMENDATION: Do not authorize a map as the “final authority”. There will always be updates required, and the accuracy of the information will be difficult to maintain. The map is only **a tool** for guidance and interpretation for the benefit of the land owner, developer and Town.*

5. ZONING ADMINISTRATOR (11-2-2)

The responsibilities, duties, authorities, and workload for this position are both extensive and over-bearing to both the person carrying out the work and the citizen attempting to complete a project within the Town. In addition to these duties, and workload, the Town only provides for 12 hours per week to have the Zoning Administer carry out his/her assignments!

It is questionable if a single person has the expertise to carry out all the duties described. Legal, engineering, architectural, inspection, administration, GIS mapping, are all work expertise to be carried out by this person.

This position is to report to the Commission, work with/report to the Zoning Commission, be reviewed by the Town Commission and the Board of Adjustment, and give direction and coordinate with the Design Review Committee. In addition to that, this person shall maintain the Zoning Map and is mandated to keep it current.

This person is to receive ALL requests, review ALL materials, inspect all p[remises and properties, issue corrections, determine “illegal” use, ORDER legal compliance, “insure” compliance and if this was not enough, issue STOP ORDERS.

This person is to prepare and maintain ALL records as well.

This is basically an impossible position.

SUGGESTION / RECOMMENDATION: Please refer to the section of recommendations to establish a One Stop Shop to serve the community. If this One Stop Shop is created, this person could/should head it up and lead the community to create a future environment of service and direction for setting the standard in maintaining the quality of life and environment this community deserves.

6. Zoning Commission (11-2-3)

The Zoning Commission requires a minimum of 3 people assigned by the Commission. One would be a Commissioner, the 2nd is limited by the description of needing to be on the County Planning Board AND a resident of the Town of Ennis. To our knowledge, there is only one person that meets this description and he is the spouse of one of the current commissioners. This is an awkward situation at best, and a noted conflict of interest.

- a. The Zoning Commission is named by the Commission and reports to the Commission. Why bother?
- b. The description of the Zoning Commission is very brief and non-descript.
- c. Please refer to the Table 11-2-1A where the Town Commission basically makes all decisions and takes all actions and the Zoning Commission only reviews (R). The need for the Zoning Commission is in doubt under this current list of duties and responsibilities.

SUGGESTION / RECOMMENDATION. Eliminate the Zoning Commission as it is now described to be made up of the commission, and a person who only qualifies that is also the spouse of a commissioner. The Zoning Commission contributes no additional service to the community and its relationship to the County Planning and Zoning functions as now adopted by the Town is in question. The Zoning Commission will only add time and confusion to completing a project within the Town.

7. Board of Adjustment (11-2-4)

The Board of Adjustment is to basically review the decisions and directions of the Zoning Administrator. The Board can be made up totally of Town Commissioners. The Board of Adjustment is chosen by the Town Commissioners. All decisions made by the Board of Adjustment must be approved by the Town Commissioners. Why bother with the Board of Adjustment?

- a. The Board of Adjustment can apparently grant variances (only) for limited input. These variances must be approved by the Town Commission.
- b. The Board of Adjustment is “expressly prohibited” for actions and authority to grant use variances, and Neighboring land us requests. -0 why?

SUGGESTION / RECOMMENDATION. Eliminate the Board of Adjustment as it is a repetition of the duties and responsibilities of the Town Commission as described in the DRAFT Zoning Ordinance. This board is made up of commissioners anyway.

8. Design Review Committee (11-2-5) This committee is to be made up of a minimum 3 people named by the Town Commission. Each must live in town? Each is named for a 4 year term?

- a. They are being asks to review drawings, landscape design, meet with the Zoning Commissioners, review signage, make sure the “Traditional Commercial District” meets the Western Character of the Town. Define Western Character.
- b. The Design Review Committee “shall not delay approval of the Town Commission”
- c. The purview of the Design Committee is great and their authority is almost non-existent.
- d. Who would serve for 4 years and do all the duties implied in the draft ordinance?
- e. Does the design review committee take responsibility of their decisions/directions in terms of cost and safety?

SUGGESTION/RECOMMENDATION. Eliminate the Board of Adjustment and the Design Review Committee. They serve no added value in their current description and make-up. They only delay.

NOTE: THE TOWN OF ENNIS IS A COMMUNITY OF APPROXIMATED 900 PEOPLE. AT THE CURRENT GROWTH RATE (see the Ennis Growth Policy of 2014) the future population of Ennis in 20 years may reach 1,014 by 2030.....an increase of approximately 114 people over 20 years, or less than 6 per year on average. Why have all these regulations for 6 people a year? See page 36 of the Growth Policy.

SUGGESTION/RECOMMENDATION. Don't bother with a design review committee. Instead, replace them with a simple one to three page design guideline that presents acceptable concepts that are the intent of the Town to maintain a “western look”. This same document should then refer to the applicable sections of the County, State and Federal regulations for buildings and occupancy, as well as American Disability Act requirements.

9. Zoning Permit, thru Variances (Sections 11-2-6 through 11-2-15). These sections demonstrate the circuitous route that all future projects must take to gain approval to go forward. These sections are full of vocabulary that must be defined (ex. “ All relevant material”) These sections have several time statements such as 35 days to review, five business days to respond, action within 20 business days, 25 days to respond to an appeal, 15 days to advertise, etc., etc.. No one has apparently added up all of these time requirements.

These sections refer to the mandatory action and decision of the Town Commission no fewer than 28 times. Assuming it takes a minimum of 2 months for the Town Commission to both hear and then vote on an issue, the time to proceed could be as great as 56 months.

These sections outline the complexity of the overlapping responsibilities and authorities of all of the Boards, Commissions and Committee's. All of which are governed and over-ruled by the Town Commission.

These sections all refer to "outside" documents and requirements such as the Town's Growth Policy, and State of Montana codes. They don't refer to county regulations for planning and development, but the Town has differed these functions to the county? This attempt to authorize action to documents beyond the inclusion of the Ordinance itself is problematic.

Language in this section is non-defined and non-specific. Examples are:

- a. not be contrary to public interest
- b. a literal enforcement of the provisions
- c. unnecessary hardship
- d. substantial justice
- e. consistent with the goals of the Ennis Growth Policy

It will be very difficult justifying any variance when such wording is utilized. Who decides the "public interest", or "hardship" or "substantial justice"?

These sections call for an applicant to fill out several forms that are provided by the Zoning Administer. Are these forms a reality?

SUGGESTION / RECOMMENDATION: Have all of these sections reviewed by an independent work group made up of developers, contractors, land owners, etc. Reduce the confusion and the complexity of the entire system. Formulate a clear, central service oriented program to review and authorize projects.

10. Conditional and Temporary Use Permits (11-2-15, 11-2-16)

This section of the draft ordinance is basically "harmless" but does contain some ambiguous language and omits input from surrounding properties prior to allowing these permits. Please define what "proper function of the Town" means.

This section refers to the Growth Policy and there appears no section within the Growth Policy for temporary permits?

This section for some reason includes (11-2-16 (A) Item 2) a reference to Contractor's Office and Construction Buildings. This subject probably does not belong in this section but more properly belongs in a section that deals with construction permits?

It appears that the most important aspect of a conditional or temporary use permit is missing from this section? It would seem that before the Town grants such a permit, they would get input from the neighboring businesses and properties as to their acceptance prior to issuing the permit. No such wording is included. This section states, “ to assure that there will be no adverse effect upon adjacent properties.....” Then lists parking, hours, noise, lights,.. What are the standards that these elements are rated against? Most of this section is arbitrary in nature.

Finally, the last statement says something like,,,,,, other conditions deemed necessary to carry out the intent and purpose..... Who deems this?

SUGGESTION / RECOMMENDATION: Revise this section in perspective of Ennis being a small community and basically lay out how a person or entity would approach getting approval of a special event or other activity that would require a short term permit to conduct business (i.e. the Lion's Club Christmas Tree Sale) Imagine someone like a local produce vender walking into the Town's office to inquire about setting up a stand for the weekend. How best to serve the community and the business person in meeting this request?

11. Violations and Penalties (11-2-17). A test of this proposed wording would be to apply it to the old abandoned IGA building. See if the wording and penalties would be imposed with statements such as:

- mutual consent of the property owner
- provide written notice of steps necessary for compliance
- town shall take corrective action
- in the judgment of the Zoning Administrator
- imminent threat to life or property
- may be subject to the penalties herein provided.....
- Violations will be discussed with property owner

Where did this language originate?

SUGGESTION / RECOMMENDATION: If the Town intends to enforce any provisions, then this section should probably be re-written to mandate authority, and provide specific actions by the Town to resolve clear violations and to issue corrective actions and penalties.

12. Pre-Zoning (11-2-19)

This is the first section to even mention annexation. This section also refers to the Growth Policy and the Growth Policy does not appear to have any direct language on annexation?

This section also refers to an application in which the Zoning Administer is to make a determination as to whether the application is “complete” and “sufficient” for review. Again, the Town Commission really decides.

SUGGESTION / RECOMMENDATION: Annexation is a big step in any community. This brief section falls short of the necessary steps to annex property into the Town. There is no mention of adding services and the affect on existing services (water & sewer) in this section. Will the annexation trigger the expansion of these essential services? It is recommended that this section be removed and replaced with a dedicate section on annexation and the necessary steps that should take place and the considerations that must be made to plan/allow annexation.

CHAPTER 3 ZONING DISTRICTS, OVERLAY DISTRICTS AND REGULATIONS

13. ZONING DISTRICTS ESTABLISHED (11-3-1)

The description of this section begins with"applicable to the lands within the Town of Ennis....."to "implement the Ennis Growth Policy" ...

The first elements discussed are agricultural lands of 640, 180, and 80 acres respectively. Where within the Town of Ennis are there parcels of this size?

11-301-1 states for Agricultural Districts to"prevent suburban development sprawl in areas relatively remote from convenient public infrastructure and services" What does "relatively remote" and "convenient public" mean? What distance meets this criteria for what non-existent parcel of agricultural land? Where did this wording originate?

PLEASE NOTE: The Ennis Growth Policy which is often referred to in the draft ordinance, clearly presents on page 21 Table 13, the available vacant parcels by size with the Town of Ennis. There are 2 parcels greater in size than 2 acres (in 2014) . This table also indicates that there are 9 one to 2 acre parcels which must refer to the development know as the North 40? All other parcels (126) are less than ½ acre.

PLEASE NOTE: A direct reference to all zoning districts is made to the Ennis Growth Policy. When reviewing the Ennis Growth Policy there appears to be NO specific requirement to be met? In fact, the Growth Policy refers to a "course mapping designed to make major land use patterns stand out. This map was used as a tool to determine how land use is changing and what land use "should" look like in the future" (Quotes around "should" added for emphasis) - page 23 of the Ennis Growth Policy

PLEASE NOTE: Throughout the descriptions of the various districts general terminology is used that requires a lot of interpretation. Examples are:

High-quality

Bulk

Overbuilt

Streetscapes that are critical

Parking requirements (Section 10-4-7 >>> could not find?)

RESIDENTIAL DISTRICTS (11-3-4)

COMMENT: As noted in the Ennis Growth Policy 2014 on page 21, the majority of lots available for residential use within the Town limits are ½ acre or less. This document indicates that at the time it was adopted, 102 lots were still available in this size range. Only 35 lots were larger. The absolute majority of ½ acre and less lots are spread throughout the town, with small lots still “open” in existing older residential areas.

On page 1 of the draft ordinances, under 11-1-1 INTENT AND PURPOSE many generalized statements are made referring to the Growth Policy and preservation of the general welfare and diverse economy. One statement under item E. stands out as it states “Provide for efficient and cost effective community services and facilities.” It is assumed that this statement refers to efficient use and application of existing water and sewer services.

There are 4 categories of residential housing included in the draft codes:

- Low Density District (11-3-4-1)
- Medium Density District (11-3-4-2)
- Residential Town Density District (11-3-4-3)
- Residential High Density (11-3-4-5) *not sure what happened to 11-3-4-4?*

Low Density District

- a. One residential “high-quality” residence per half acre
- b. Even though “a.” above it also seems to allow multi-family dwellings of all types up to a four unit structure?
- c. Limits home occupancy to Section 11-4-9-E which basically dictates how the home owner would conduct home business(s) from parking to noise levels, smoke, light, etc.
- d. Requires parking in accordance with Section 10-4-7? **Could not find this section???**
- e. Appears to allow Planned Unit Developments?
- f. Allows up to 8,000 s.f. of coverage on a ½ acre lot.
- g. Through a reference to Section 11-4-8 mandates sidewalks, orientation of building(s), structural design, material of construction, architectural design details,
- h. **REQUIRES SETBACK IN ACCORDANCE WITH SECTION 11-5-2.**
PLEASE REFER TO DISCUSSION OF 11-5-2 LATER IN THIS REVIEW.

Medium Density District

- a. No more than one dwelling unit per ¼ acre.
- b. Includes the same provisions as Low Density noted above with the same restrictions including design standards, set-backs but allows a maximum coverage of 4,000 s.f. on a quarter acre lot.

Residential Town Density District

- a. Only for single family dwellings, but then allows multi-family dwellings up to 4 units?
- b. Requires screening per 11-4-10-E such as fencing, landscape hedges with automatic irrigation systems, walls, etc.
- c. **Requires set-backs in accordance with 11-5-1. Please refer to later discussion of 11-5-1 and the imposing restrictions of the mathematical set-backs in this Section.**
- d. Allows for small businesses, and day care up to 12 children?
- e. Minimum lot size set at 5,445 s.f. >> this is 1/8 acre
- f. But it requires a minimum of 50 ft of frontage?
- g. Allows coverage of 2,200 s.f. (40% of lot)

PLEASE NOTE: All of this said, then the draft code refers to “G. Supplemental Regulations: All structures and uses shall also comply with the applicable standards found in Chapter 4, Supplementary Regulations of this Ordinance”

WHERE DID THESE DRAFT ORDINANCES ORIGINATE?

>>>> Please note, The draft ordinance from this point on refers to Landscape ratio's, (10%), parking restrictions, sidewalk requirements, medical marijuana grow houses, frontage limitations, in accordance with the Town's Transportation Design Standards and of course the Growth Policy. It restricts exterior lighting because street light ambient lighting is provided..... It dictates entrance widths to 1 ½ times the door width. Landscape and lighting is per Chapter 4 Supplemental Regulations.

Then it states..... “however, proposals of an “extraordinary quality and design” may be used as mitigating offsets with respect to other ordinance requirements. <<<<<<

PLEASE, ENOUGH IS ENOUGH!

PLANNED UNIT DEVELOPMENT (11-3-6-2) PUD's

Note: The Town of Ennis surrendered its planning functions to the County of Madison in the State of Montana. The Town has limited if no areas remaining to develop as a PUD within the Town limits. A minimum of 5 acres is required to submit for a PUD within the Town.

The Town's Growth Policy identified 2 parcels within the Town limits that are greater in size of 2 acres.

Madison County Subdivision Regulations dated April 2015 govern all PUD's in the areas outside of the Town Limits, and it is believed that these same regulations actually apply to parcels within the Town once the Town relinquished this planning function.

Section 11-3-6-2: Planned Unit Developments of the Draft Ordinance states in sub-section C. Purpose is that to maintain Ennis Growth Policy. Maintain:

- a. Small western town appearance
- b. Maintain adequate infrastructure
- c. Attract new businesses
- d. Increase affordable housing
- e. Improve quality of life
- f. Promote sustainable building design
- g. Provide walkable, sustainable development patterns.....???

These PUD's are to be reviewed by the Town Planner. Is there a position within the Town for a Planner? These PUD plans are also to be drawn up and include a 20 year build-out

The remaining sections, provisions and requirements have no bearing on any of the purposes stated in a. through g above.

SUGGESTION AND RECOMMENDATION: Until the Town takes back the responsibility of planning from Madison County and until the Town hires a planner, there is no need for this section to develop the apparent non-existent parcels of 5 acres or more within the Town.

COMMUNITY SIGNAGE OVERLAY (11-3-6-3)

We are not even sure why this section exists? How does this section relate to all of the work the Town has put into a sign ordinance. Please note that one purpose for this section is to preserve the Western "look" of the signage. These provisions under G. Historically Appropriate Sign Design, would not allow the best example of current western signage on Main Street – The Ennis Café. Please refer to Item 1., provision d. on page 56 of the draft ordinance.

CHAPTER 4: SUPPLEMENTARY REGULATIONS

>>> AFTER 57 PAGES OF DRAFT ORDINANCES, THE DOCUMENT INCLUDES DRAFT SUPPLEMENTAL REGULATIONS!<<<

There are 28 pages of Supplemental Regulations. These regulations basically drill down into minute control of all private and commercial development within the Town. Here is a listing:

- a. Landscape Plan Review
- b. Mandatory Landscaping Provisions
- c. Screening

- d. Parking Lot Landscaping (this is repeated again under minimal design standards for parking, Landscaping item N.)
- e. Invasive Plants
- f. Landscaping of Boulevards
- g. Maintenance of landscaping
- h. Property Maintenance
- i. Vehicle control
- j. Trash and Debris
- k. Organic Waste
- l. Composting
- m. Building Condition and Maintenance
- n. Building Construction
- o. Set backs in coordination with adjacent buildings
- p. Height of buildings
- q. Yard set-backs
- r. Outdoor lighting standards in front of residential units
- s. Off-street parking and loading standards
- t. Parking restrictions as a result of building modifications and new construction
- u. Floor space requirements
- v. Restriction to parking only in front of business
- w. Screening of parking
- x. Surface requirement for parking
- y. Lighting for parking
- z. Curb stops for parking
- aa. Shared parking regulation
- bb. Minimum parking for businesses to be 1 space for 4 seats within the business**
- cc. Then the Town's own ADA handicap parking requirement rather than the Federal Government requirement

Then the Supplementary Codes get into RESIDENTIAL DESIGN STANDARDS (11-4-8)

These standards then regulate:

- a. building orientation
- b. eaves
- c. pitched roofs
- d. materials of construction and façade

- e. covered entryways
- f. **THE DRAFT ORDINANCE THEN REQUIRES SIDEWALKS IN ACCORDANCE WITH THE ENNIS TRANSPORTATION DESIGN STANDARDS. << This document is not available for review See page 71, 11-4-8 Section F.**

STANDARDS FOR CERTAIN USES AND STRUCTURES (11-4-9)

This section regulates everything from automotive service to church size. This same section regulates home occupations, self-storage, campgrounds and the definition of an accessory building.

This section also mandates other various items such as the requirement for bicycle lanes and bicycle racks. Shall..... provide adequate bicycle parking facilities.....” What constitutes adequate facilities?

This section and subsequent sections regulate almost all items that may be contemplated by a home owner, business owner, and developer from outdoor sales displays, trash enclosures, building design, lighting , screening , smoke and dust control, liquid storage, odors , vibrations, glare and heat, nuclear materials, weed control, FENCING DESIGN AND LOCATION, and of course PEDESTRIAN ACCESS/ SIDEWALK FACILITIES.

NONCONFORMING LOTS OF RECORD, LAND USES, AND STRUCTURES (11-4-12)

If we are interpreting this confusing section correctly, it basically states that it is written to “protect” existing platted lands that may not comply to the new ordinance so that the “western character” will be preserved. Then it goes on to say that if there are any modifications to the use or structure located on these parcels the work shall meet all dimensional stands and density requirements of the zoning district.

We question this entire section as it threatens the value of the land/property upon sale if the new owner intends to make any modifications.

Paragraph E. must be explained as it dictates repair/replacement of 50% of the existing structure and the fact that its non-conforming use shall terminate..... Paragraph G sets forth that if a non-conforming use is discontinued for more than 90 days, any future use of the building or structure or land shall be in conformity with the provisions of this Ordinance. So much for preserving the western character of the Town of Ennis.

Item I. Change of Use, paragraph 2 must be explained in detail. (Page 81).

>>> IN SUMMARY THE SUPPLEMENTAL REGULATIONS ARE MORE NUMEROUS AND RESTRICTIVE THAN THE CODE ITSELF. IT AFFECTS ALL ASPECTS OF RESIDENTIAL, COMMERCIAL AND PUBLIC LANDS WITHIN THE TOWN. IT BASICALLY MAKES THE ENTIRE TOWN SUBJECT TO THE TYPE OF REGULATIONS SEEN IN VERY RESTRICTIVE HOA DOCUMENTS. <<<

CHAPTER 5 DEFINITIONS

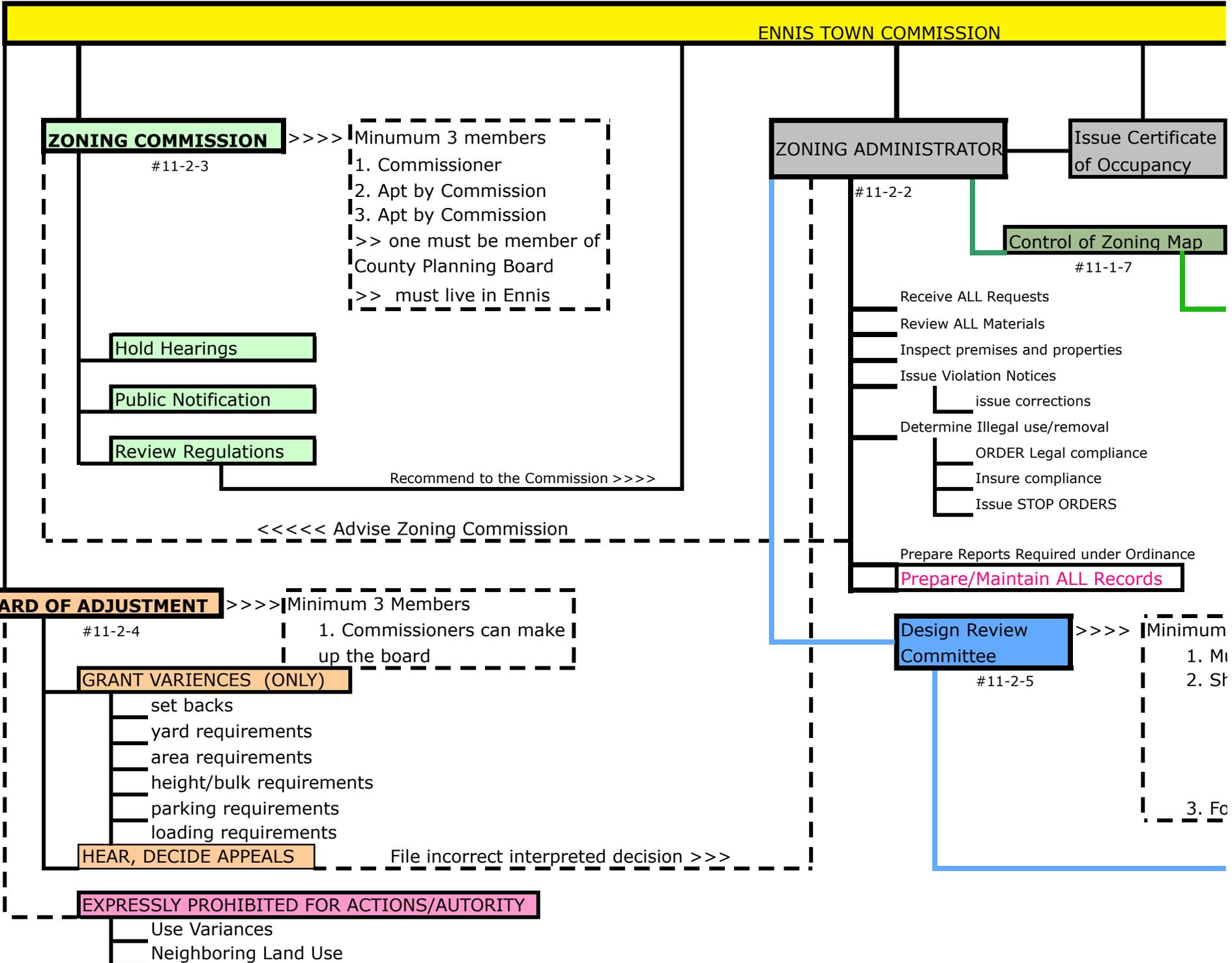
There are a lot of definitions that affect the interpretation of all of the previous draft code provisions. Two in particular relate to statements made back in 11-3-4 where the draft code attempts to define set-backs for the various districts from Agricultural through Residential High Density. Each of these sub-sections state set-back requirements then refer to Section 11-5-1 for the definition of the set-back.

When referring to 11-5-1 (page 96 and 100) the reader can find that the set-back is taken from non-existent sidewalks to the interior of a lot. The side walk appears to be 5 feet inside the edge of pavement creating a boulevard between the road and the sidewalk. The sidewalk appears to be a minimum of 5-feet wide. Therefore, the actual set-back of a residence is 10 feet farther than what is stated in the draft ordinance.

In addition back lot line set backs are indicated as being to the closest structure within the back yard.

In summary the development of small lots within the Town is questionable as the set-back requirement makes the usable land area almost non-existent on the remaining lots (Growth Policy page 21).

SUGGESTION AND RECOMMENDATION: Get rid of the not-to-scale drawings in Section 11-5-2 DEFINITIONS and complete an extensive field evaluation of available lands within the Town of Ennis and determine how best to infill these parcels.





Conditional Use Permit

#11-1-1

ENNIS GROWTH POLICY

- Maintain "Western" Look
- Promote Growth
- Efficient use of infrastructure
- Maintain Adequate Infrastructure
- Protect Natural and Cultural Resources
- Occupy Vacant Buildings
- Increase Affordable Housing
- Improve Quality of Life
- Economic Development

(note: no public notice for changes)

#11-1-7A.

FINAL AUTHORITY

- GIS Based
- Mayor's Signature
- Notations
- Control and Filing
- GIS Version separate from Town official version
- Who is the libraryan
- Stored at Town Clerk
- Stored off-site

Please refer to pages 42 & 43 of 2014 Ennis Growth Policy for Implementation Strategies

Considers Application

- Review Arch drawings
- Review Landscape Design
- Meet with Zoning Commissioners
- Review Illuminated Signage
- Review "Traditional Commercial Districts"
 - 50% of façade
 - new buildings

DISCRETIONARY DESIGN REVIEW AS DICTATED BY THE COMMISSION

- | | |
|----------------------------------|-----------------------------------|
| — Planned Unit Development (PUD) | — DESIGN Fundamentals |
| — Conditional Use Permit | — Mass, Scale, Size, Height, etc. |
| — Zoning Ordinance Amendment | — Design "Details" |
| | — Materials |
| | — Colors, Lighting, Site Plan |

SHALL NOT DELAY APPROVAL OF TOWN COMMISSION

3 Members
must live in town
should be:

- Architect
- Engineer
- Construction
- Land Use Planner

four Year Term