

**Planning & Zoning Commission Meeting Agenda**  
**City Hall, 105 S. Cockrell Hill Road, Council Chamber Room, Ovilla, Texas**  
**October 24, 2011**

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**NOTICE** is hereby given of a **Special Meeting** of the Planning and Zoning Commission for the City of Ovilla, to be held on **Monday, October 24, 2011 at 6:15 P.M. at 105 S. Cockrell Hill Road, Ovilla, Texas, 75154** for the purpose of considering the following items. The Planning and Zoning Commission of the City of Ovilla, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations).

**Call to Order**

- Pledge of Allegiance

**Comments, Presentations and Reports and Appointments**

- Citizen Comments  
*The Planning and Zoning Commission welcomes comments from the public. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.*
- Department Reports – N/A

**Consent Items**

N/A

**Public Hearing / Individual Consideration**

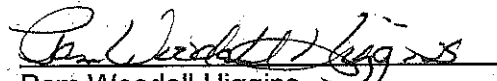
- ITEM 1.** **Public Hearing & Discussion** – Discuss and consider an amendment to Section 30.5 of the Ovilla Code of Ordinances concerning Residential Accessory Building Materials to include UV Protected, Double-Walled High Density Polyethylene Plastic with Steel Reinforced Construction and Steel Trusses.
- ITEM 2.** **Discussion/Action** – Consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings and prepare written recommendation to forward to Council.

**Requests for Future Agenda Items**

*No action or in-depth discussion may occur during this period. It is intended to provide an opportunity for the Commission to inform each other and the public about events and situations that are of general interest.*

**Adjournment**

This is to certify that a copy of the Notice of the Special Planning and Zoning Commission Meeting for October 24, 2011, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on October 21, 2011, prior to 6:00 p.m.

  
Pam Woodall Higgins  
City Secretary

*IF YOU OR YOUR REPRESENTATIVE HAS A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE PLANNING & ZONING SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING.*

*PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE PLANNING & ZONING COMMISSION IS IN SESSION.*

*CERTIFICATION: I hereby certify that the Ovilla P & Z Agenda was removed from the City Hall Bulletin Board, 105 S. Cockrell Hill Road, Ovilla, TX 75154, a place accessible to the public at all times on \_\_\_\_\_ day of \_\_\_\_\_ 2011 at \_\_\_\_\_ am/pm, after having been posted for at least 72 continuous hrs. preceding the scheduled time of the posted meeting.*

\_\_\_\_\_  
Pam Woodall Higgins, City Secretary

**OVILLA PLANNING AND ZONING**

AGENDA ITEM(S): **1 & 2**

October 24, 2011

**SUBJECT:** **Public Hearing & Discussion** – Discuss and consider an amendment to Section 30.5 of the Ovilla Code of Ordinances concerning Residential Accessory Building Materials to include UV Protected, Double-Walled, High Density Polyethylene Plastic with Steel Reinforced Construction and Steel Trusses.

**Discussion/Action** – Consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings and prepare written recommendation to forward to Council.

**BACKGROUND:** On July 25, 2011, Ms Becky Freeman addressed the Ovilla Council during the citizen's forum at a Regular Ovilla City Council Meeting. Ms Freeman asked that the Code of Ordinances relating to construction materials for accessory buildings be revised, adding plastic polyethylene as an allowed construction material. Council directed staff to initiate a review with the Planning & Zoning Commission. Since then, the P & Z has met numerous times to discuss this potential amendment. The last meeting (October 03) the Commission recommended staff to prepare an ordinance amending Section 30.5 with the specific language noted:

***UV Protected, Double-Walled, High Density Polyethylene Plastic with Steel Reinforced Construction and Steel Trusses.***

**ATTACHMENTS:** Proposed Ordinance  
Recommendation to Council

**SAMPLE MOTION:**

**"I MAKE A MOTION THAT THE PLANNING AND ZONING COMMISSION:**

**- RECOMMENDS / DENIES RECOMMENDATION -**

**TO COUNCIL AN AMENDMENT TO SECTION 30.5 RESIDENTIAL ACCESSORY BUILDINGS TO THE CODIFICATION ORDINANCE AS PRESENTED."**

**City of Ovilla  
ORDINANCE 2011-026**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS, BY AMENDING CHAPTER 14, ZONING ORDINANCE, ARTICLE 4, SECTION 30.5 CONSTRUCTION MATERIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance; and

**WHEREAS**, the City Council deems it necessary to amend the regulations for nonconforming uses of buildings; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission of the City on the 24<sup>TH</sup> day of OCTOBER, 2011, and a public hearing was held by the City Council on the 24<sup>TH</sup> day of OCTOBER, 2011, with respect to the proposed changes in the zoning regulations; and

**WHEREAS**, all state law requirements for publication and procedure have been complied with by the City, in accordance with Chapter 211 of the Local Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS.**

**SECTION 1**

**ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS**

CHAPTER 14 ZONING ORDINANCE, Section 30, "Accessory and Residential Accessory Buildings," of the City of Ovilla Zoning Ordinance is hereby amended by adding a material to Section 30.5 Construction Material which shall read as follows:

**30.5 Construction Material**

- A.** Residential Accessory. Except as provided by Subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, Double-Walled, High Density Polyethylene Plastic with Steel Reinforced Construction and Steel trusses."

**City of Ovilla  
ORDINANCE 2011-026**

**SECTION 2.**

This ordinance shall be cumulative of all provisions of the zoning ordinance and of the Code of Ordinances of the City of Ovilla, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections 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.

**SECTION 4.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 5.**

All rights and remedies of the City of Ovilla are expressly saved as to any and all violations of the provisions of the zoning ordinance of the City of Ovilla, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.**

The city secretary of the City of Ovilla is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

**City of Ovilla  
ORDINANCE 2011-026**

**SECTION 7.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2011.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**City of OVILLA Planning & Zoning Commission  
Recommendation to Council**

In accordance with Chapter 211 of the Local Government Code, having conducted the required Public Hearing on October 24, 2011 at 6:15 P.M., the Planning & Zoning considered the following:

**Discussion/Action** – Consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings and prepare written recommendation to forward to Council.

A motion as written was made by \_\_\_\_\_

**“I MAKE A MOTION THAT THE PLANNING AND ZONING COMMISSION:**

**- RECOMMENDS / DENIES RECOMMENDATION -**

**TO COUNCIL AN AMENDMENT TO SECTION 30.5 RESIDENTIAL ACCESSORY BUILDINGS TO THE CODIFICATION ORDINANCE AS PRESENTED.”**

The motion was seconded by \_\_\_\_\_

**PLANNING AND ZONING Members present, and upon a record vote of:**

<b>PL1, Chair Kenneth Rarick</b>	_____
<b>PL2, Vice-Chair Michael Yordy</b>	_____
<b>PL3, Commissioner Loreen Silva</b>	_____
<b>PL4, Commissioner Tom Rockwell</b>	_____
<b>PL5, Commissioner Richard Edmiston</b>	_____
<b>PL6, Commissioner Lynn Shortnacy</b>	_____
<b>PL7, Commissioner Bill Zimmermann</b>	_____

_____	<b>FOR</b>
_____	<b>AGAINST</b>
_____	<b>ABSTAIN</b>
_____	<b>ABSENT</b>

\_\_\_\_\_  
Presiding Officer of P&Z

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Secretary