

AGENDA
PLANNING AND ZONING COMMISSION
SPECIAL MEETING
CITY OF FERRIS
A GENERAL LAW MUNICIPAL CORPORATION OF THE
STATE OF TEXAS, ELLIS COUNTY
AT THE
COUNCIL CHAMBERS
215 W. SIXTH STREET, FERRIS, TEXAS 75125
6:00 P.M. THURSDAY, NOVEMBER 20, 2014

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FERRIS WILL MEET IN SPECIAL SESSION AT 6:00 P.M. ON THE 20TH DAY OF NOVEMBER, 2014 AT THEIR REGULAR MEETING PLACE AT 215 W. SIXTH STREET, FERRIS, TEXAS FOR THE PURPOSE OF CONSIDERING:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>COMMISSION BUSINESS</u>		
1.	Call to order.	0
2.	Roll call to determine the presence of a quorum.	1
3.	Discussion regarding Place 4 Vacancy.	0
4.	Election of Chair and Vice Chair.	0
<u>APPROVAL OF MINUTES</u>		
5.	Consider approval of meeting minutes for the Planning and Zoning meeting of September 25, 2014.	2
<u>DISCUSSION</u>		
6.	Discussion regarding the the approval of an amendment to the Zoning Ordinance by (1) amending Article 1, Division 15 by adding definitions for Resale Shop/Consignment/Bazaar and Used Furniture and Appliance Store and (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table.	4

PUBLIC HEARING

- 7. Open Public Hearing. Ø
- 8. Conduct Public Hearing to consider the approval of an amendment to the Zoning Ordinance by (1) amending Article 1, Division 15 by adding definitions for Resale Shop/Consignment/Bazaar and Used Furniture and Appliance Store and (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table. Ø
- 9. Close Public Hearing. Ø

NEW BUSINESS

- 10. Discussion, consideration, and action as may be appropriate regarding the recommendation to the Ferris City Council to amend the Zoning Ordinance by (1) amending Article 1, Division 15 by adding definitions for Resale Shop/Consignment/Bazaar and Used Furniture and Appliance Store and (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table. Ø

CLOSING

- 11. Adjourn. Ø

Executive Session Reservation

The Planning and Zoning Commission reserve the right to convene into an Executive Session (closed to the public) as authorized by Section 551.071(2) of the TEXAS GOVERNMENT CODE, for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Disability Assistance and Accommodation

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (972) 544-2110 two working days prior to the meeting so that appropriate arrangements can be made.

I, DESTINY LUSK WRIGHT, HEREBY
CERTIFY THE FOREGOING NOTICE
WAS POSTED ON OR BEFORE THE
14TH DAY OF NOVEMBER, 2014 BY
5:00 P.M.



DESTINY LUSK WRIGHT
CITY SECRETARY



PLANNING AND ZONING COMMISSION

MEETING ATTENDANCE RECORD

2014-2015

PLANNING AND ZONING COMMISSION			Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Place	Name	Title	25	30	20		22	26	26	23	28	25	23	27	24
Place 1	Jim Kay	Commissioner	P	-											
Place 2	Rudy Amor	Commissioner	A	-											
Place 3	Bill Malloy	Commissioner	P	-											
Place 4	Vacant	Commissioner	-	-											
Place 5	Charlie Hatfield	Commissioner	P	-											
Place 6	Christi Farish	Commissioner	A	-											
Place 7	Rick Barrett	Commissioner	P	-											
Total Present:			4	-											

A quorum of the commission is 4 members.

City Staff		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Title	Name	25	30	20		22	26	26	23	28	25	23	27	24
City Manager	Dennis Burn	P	-											
City Secretary	Destiny Wright	P	-											
Building Official	Bill Jordan	P	-											
Total Present:		3	-											

Chairman- "Will the Secretary please call the roll."
 The Secretary calls each member's position and name.
 They respond if they are present.
 Secretary- "A quorum is present."

P	Present
A	Absent
R	Resigned
D	Deceased
E	End of Term

**STATE OF TEXAS
COUNTY OF ELLIS**

**THE FERRIS PLANNING AND ZONING COMMISSION MET IN A
REGULAR SESSION, SEPTEMBER 25, 2014 AT 6:00 P.M. IN THE
COUNCIL CHAMBERS LOCATED AT 215 W. SIXTH STREET,
FERRIS, TEXAS.**

MEMBERS PRESENT

Jim Kay, Place 1
Bill Malloy, Place 3
Charles Hatfield, Place 5
Richard Barrett, Place 7

STAFF PRESENT

Dennis Burn, City Manager
Destiny Wright, City Secretary
Bill Jordan, Chief Building Official

MEMBERS ABSENT

Rudy Amor, Place 2
Christi Farish, Place 6

STAFF ABSENT

COMMISSION BUSINESS

1. Call to order.

Jim Kay called the meeting to order at 6:00 P.M.

2. Roll call to determine the presence of a quorum.

The roll was called and a quorum was determined to be present.

APPROVAL OF MINUTES

3. Consider approval of the meeting minutes for the Planning and Zoning meeting of July 24, 2014.

Charles Hatfield moved to approve the meeting minutes for the Planning and Zoning meeting of July 24, 2014. Seconded by Richard Barrett. For: Unanimous. The motion carried 4-0-0.

NEW BUSINESS

4. **Discussion, consideration, and action as may be appropriate regarding the approval of a waiver to Article 10.200 Section 10.202(h) and 10.400 “Sidewalks” of the Ferris Subdivision Ordinance to waive the requirement of a sidewalk parallel to North Central Street adjacent to new construction located at 208 N. Central Street.**

Richard Barrett moved to recommend the approval of the waiver to Article 10.200 Section 10.202(h) and 10.400 “Sidewalks” of the Ferris Subdivision Ordinance to waive the requirement of a sidewalk parallel to North Central Street adjacent to new construction located at 208 N. Central Street. Seconded by Charles Hatfield. For: Unanimous. The motion carried 4-0-0.

CLOSING

5. **Adjourn.**

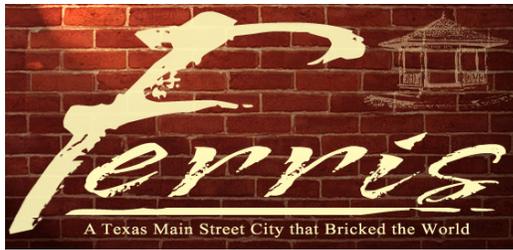
With no further business to come before the commission, Jim Kay adjourned the meeting at 6:07 P.M.

APPROVED THIS THE 20TH DAY OF NOVEMBER, 2014.

ATTEST:

Dennis Burn
City Manager

Jim Kay
Chair



MEMORANDUM

DATE: 11-20-2014
FROM: Chief Building Official, Bill Jordan
TO: Planning & Zoning Commission

SUBJECT: Consideration of approving an ordinance of the City of Ferris, Texas, amending the zoning ordinance of the City of Ferris, Texas, by amending Article 1, Division 15, by adding a definition for Resale Shop, Consignment or Bazaar and Used Furniture and Appliance Stores; and amending Article 2, Division 20, Section 1 Permitted Use Table, by adding commercial uses: Resale Shop/Consignment/Bazaar and Used Furniture and Appliance Stores and associated restriction designations.

SUMMARY:

The Ferris zoning ordinance requires all commercial uses to obtain a Certificate of Occupancy (CO) prior to conducting operations. Additionally, the zoning ordinance provides for minimum zoning standards and restrictions based on the zoning of the property, and on the use. Typically, a new business would receive a CO for a use defined in the zoning ordinance.

The City has received an application for a used clothing store located at 206 W. 6th St. When staff reviewed the zoning ordinance to determine zoning requirements, it was found that there was no use defined in the zoning ordinance under which this type of use would fall. Staff could, therefore, not issue a permanent CO.

Two new uses are being proposed:

Resale Shop, Consignment or Bazaar – Though the applicant is planning to operate a used clothing store, this more generic use will allow for a much easier application of the ordinances.

Zoning

- Permitted by right in:
 - Commercial Corridor District (C-C)

- Light Industrial & Warehousing District (I-L)
- By SUP in:
 - Commercial Neighborhood Retail District (C-N)
- Prohibited in all other districts

Special Condition – All storage of goods, products, cargo, produce or materials and the packaging of same must be wholly within the confines of a building.
(Condition-14)

Used Furniture and Appliance Stores – This use is being added to delineate used furniture and appliance stores from the resale shop definition. Used furniture and appliance stores have a higher potential for incompatibility due to the propensity for overnight and weekend donations/drop-offs, and the need for delivery operations.

Zoning

- Permitted by right in:
 - Light Industrial & Warehousing District (I-L)
- By SUP in:
 - Commercial Corridor District (C-C)
- Prohibited in all other districts

Special Condition – All storage of goods, products, cargo, produce or materials and the packaging of same must be wholly within the confines of a building.
(Condition-14)

FINANCIAL IMPACT: N/A

SUPPORTING MATERIALS:

- Draft ordinance

RECOMMENDATION: Staff recommends approval of the changes as presented.

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-14-768

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF FERRIS, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 1, DIVISION 15, SECTION 2, BY ADDING DEFINITIONS FOR “RESALE SHOP, CONSIGNMENT, OR BAZAAR” AND “USED FURNITURE AND APPLIANCE STORE”; AND BY AMENDING ARTICLE 2, DIVISION 20, SECTION 1, PERMITTED USE TABLE, BY ADDING COMMERCIAL USES: “RESALE SHOP, CONSIGNMENT, OR BAZAAR” AND “USED FURNITURE AND APPLIANCE STORE,” AND THEIR ASSOCIATED RESTRICTION DESIGNATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article 1 of the Zoning Ordinance of the City of Ferris, Texas (“Zoning Ordinance”) contains definitions for all types of uses within the City, and Article 2 of the Zoning Ordinance contains the Permitted Use Table; and

WHEREAS, a recent review of Articles 1 and 2 indicates amendments are necessary to include new definitions and uses within certain districts; and

WHEREAS, the City Council of the City of Ferris, Texas (“City Council”) has determined that the Zoning Ordinance should be amended as provided herein.

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

SECTION 1. The Zoning Ordinance be and the same is hereby amended by amending Article 1, “General Regulations,” Division 15, “Definitions,” Section 2, “Definitions for Uses,” by adding definitions for “Resale Shop, Consignment, or Bazaar” and “Used Furniture and Appliance Store,” which shall read as follows:

ARTICLE 1 GENERAL REGULATIONS

.....

DIVISION 15: DEFINITIONS

.....

Section 2: Definitions for Uses

.....

Rental Yard, Commercial and Heavy Equipment - within the primary structure.

[the following definition will be added;]

“Resale Shop, Consignment, or Bazaar - A facility completely contained within a building for the purchase and retail sale or exchange of used goods where more than 25 percent of the facility's total inventory is obtained

from a source other than an authorized vendor or manufacturer. This definition shall not include antique shops, collectibles shops, and used furniture or appliance stores.”

.....

Travel Bureau or Consultant - these services to the patron.

[the following definition will be added;]

“Used Furniture and Appliance Store - A facility completely contained within a building for the purchase and retail sale or exchange of used furniture and appliances where more than 25 percent of the facility's total inventory is obtained from a source other than an authorized vendor or manufacturer.”

.....

SECTION 2. The Zoning Ordinance be and the same is hereby amended by amending Article 2, “Base District Regulations,” Division 20, “Permitted Use,” Section 1, “Permitted Use Table,” which shall read as follows:

ARTICLE 2 BASE DISTRICT REGULATIONS

.....

DIVISION 20 PERMITTED USE

.....

“SECTION 1: Permitted Use Table

.....

COMMERCIAL USES	DISTRICTS											COND.'S		
	RESIDENTIAL							COMMERCIAL			INDUSTRIAL		AGRL	
	R-1	R-2	R-3	R-TH	R-D	MF-18	MH	RV	C-O	C-N	C-C	I-L	I-H	
.....														
Repackaging											P	P	P	5,14,15
Resale Shop, Consignment or Bazaar										S	P	P		14
.....														
Travel Bureau or Consultant									P	P	P	P	P	5
Used Furniture and Appliance Store											S	P		14
.....														

”

SECTION 3. The Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4. All provisions of the ordinances of the City of Ferris, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Zoning Ordinance, as amended, in effect when the offense was committed and the former law are continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Zoning Ordinance, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provide.

PASSED AND APPROVED on this _____ day of _____, 2014.

APPROVED:

MICHEAL L. DRIGGARS, MAYOR

ATTEST:

DESTINY LUSK WRIGHT, CITY SECRETARY

APPROVED AS TO FORM:

KENT HOFMEISTER, CITY ATTORNEY