

**SPECIAL CALLED JOINT WORKSHOP
OF THE CITY OF OVERTON, TEXAS
CITY COUNCIL & PLANNING & ZONING COMMISSION
August 12, 2014**

MINUTES OF THE SPECIAL CALLED JOINT WORKSHOP OF THE CITY OF OVERTON, TEXAS CITY COUNCIL & PLANNING & ZONING COMMISSION THAT WAS HELD ON **AUGUST 12, 2014** AT 6:00 PM IN THE CITY OF OVERTON COUNCIL CHAMBERS, 1200 S. COMMERCE ST., OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Ed Welch, Mayor Pro-Tem
John Posey
Jerry Clark
Robert Raney
Skipper Honeycutt
Dudley Hickman
Kim Cox (arrived at 6:05 P.M.)
Karen Casey

ABSENT:

Philip Cox
Pat Beets

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Police Chief representing staff and Lawrence Davis, representing the public.

ITEM I: CALL TO ORDER - Mayor Evans called the meeting to order at 6:02 P.M.

1. Invocation given by Councilman Posey
2. Pledge of Allegiance lead by Commissioner Casey

I. CONSENT AGENDA

Any or all items under Consent Agenda may be removed by the Mayor, any Council Member or the City Manager for discussion.

1. Council to review and make possible corrections to minutes of the Joint City Council and Planning & Zoning Commission Workshop held July 29, 2014.

Planning & Zoning Commission Chairman stated that Section R "Water Tap Fees" had been requested to be removed until a cost analysis from staff was presented to the council for review concerning actual cost of the meters and meter installation.

Mayor Pro Tem Welch made a motion to approve the July 29, 2014 with corrections (removal of water meter tap fees from the fee schedule). Councilman Posey seconded the motion. Motion carried 3-0; Councilman Cox and Councilman Beets absent.

II. CITIZEN FORUM

None

III. CITIZEN'S REQUESTS

1. Citizens Request from Judy Kenny, 208 W. Adams St., and Sandra McCain, 206 W. Adams St., for an Ordinance to stop dogs from barking all night and require dogs to be on leashes.

Ms. Kenny and Ms. McCain addressed the council stating that their issue is the lack of enforcement of the animal control ordinance; requesting that City Council direct staff to put stricter enforcement into the existing ordinance.

Police Chief Carter stated that the citizens need to log calls to the dispatch so that the calls will be reflected on the call log reports for the officers concerning the early A.M. barking dog complaints.

No Action Taken

IV. NEW BUSINESS (CONSIDER AND/OR ACTION)

1. PRESENT REVISED MEETING SCHEDULE FOR THE CITY COUNCIL AND PLANNING ZONING COMMISSION AS UPDATED AUGUST 7, 2014.

City Manager Cunningham presented the updated meeting schedule for the remainder of 2014.

No Action Taken

2. CONSIDER THE APPOINTMENT OF LAWRENCE DAVIS TO THE PLANNING AND ZONING COMMISSION (PLACE #5) WITH AN EFFECTIVE TERM EXPIRATION DATE OF SEPTEMBER 30, 2014.

Mayor Pro Tem Welch made a motion to appoint Lawrence Davis to the Planning and Zoning Commission (Place #5) to be sworn in at the next regular City Council Meeting on August 21, 2014. Councilman Posey seconded the motion. Motion carried 3-0; Councilman Cox and Councilman Beets absent.

3. REVIEW DRAFT "MANUFACTURED HOME ORDINANCE" FOR CONSIDERATION FOR ADOPTION AT A FUTURE MEETING.

Mayor Evans proceeded with the review of the proposed draft copy of the Manufactured Home Ordinance.

Councilman Posey made a motion to stop the review of the proposed Manufactured Home Ordinance at the end of Section 4; and that the review of the proposed ordinance would resume at the August 26, 2014 Special Called Joint Workshop of the City Council & Planning & Zoning Commission. Mayor Pro Tem Welch seconded the motion. Motion carried 3-0; Councilman Cox and Councilman Beets absent.

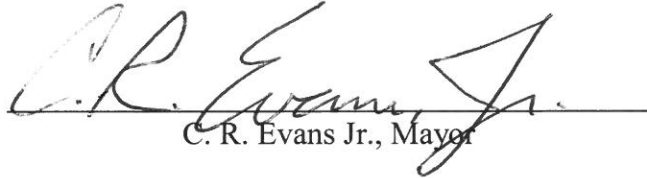
Attachment A: Proposed revisions for Sections 1, 2, 3 & 4 as discussed on August 12, 2014 at the Special Called Joint Workshop of the City Council & Planning & Zoning Commission.

V. ADJOURNMENT

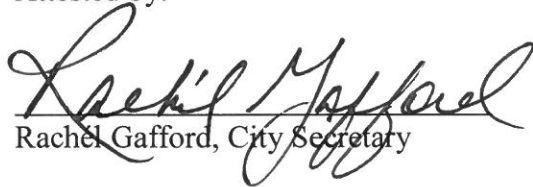
Mayor Pro Tem Welch made a motion to adjourn. Councilman Clark seconded the motion. Motion carried 3-0; Councilman Cox and Councilman Beets absent.

With no further business, the meeting was adjourned at 7:49 P. M.

Minutes approved and submitted and/or corrected this 26th day of August 2014.


C. R. Evans Jr., Mayor

Attested by:


Rachel Gafford, City Secretary

ATTACHMENT A
Proposed Revisions to Sections 1 through 4 of the
Proposed Article IV: Chapter 95 Manufactured Home Ordinance

ORDINANCE NO. 2014-09-_____

AN ORDINANCE ESTABLISHING ORDINANCE NO. 2014-09-_____ OF THE CITY OF OVERTON, TEXAS PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY AND REQUIRING A PERMIT FOR THE CONSTRUCTION OF, ADDITION TO OR EXTENSION OF A HUD-CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK) AND REQUIRING A LICENSE TO OPERATE A HUD CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK) AND SETTING FORTH THE SITE REQUIREMENTS, HUD CODE MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE, PROVIDING DEFINITIONS, AND PRESCRIBING REGULATIONS FOR MANAGEMENT OF HUD-CODE MANUFACTURED HOME PARKS (FORMERLY CALLED MOBILE HOME PARKS), AND PROVIDING FOR NONCONFORMING HUD CODE MANUFACTURED HOME PARKS (FORMERLY CALLED MOBILE HOME PARKS) AND PROVIDING FEES, AND CONTAINING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND CONTAINING A SEVERABILITY CLAUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON:

WHEREAS, it has come to the attention of the City Council of the City of Overton that unregulated HUD-Code Manufactured Home Parks (formerly called Mobile Home Parks) can be dangerous and constitute a hazard to life and property; and

WHEREAS, the City Council of the City of Overton finds it to be in the best interest of the public safety, health and general welfare to regulate HUD-Code Manufactured Home Parks (formerly called mobile home parks) within the City; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON:

Section 1. DEFINITIONS - For the purpose of this ordinance, certain terms, words, and phrases shall have the meaning hereinafter ascribed thereto.

- (A) **Building Official:** Designated inspection authority of the City, or its authorized representative.
- (B) **City Council:** City Council of the City of Overton, Texas.
- (C) **Coach:** Any vehicle which is intended to be used as sleeping and/or living quarters, mounted on wheels, and which is or may be propelled either by its own power or by another power-driven vehicle to which it is or can be attached. This definition does not include HUD-Code Manufactured Homes.

(D) **Common Access Route/Internal Street:** Private drive allowing principal means of access to individual HUD-Code Manufactured Mobile Home lots or auxiliary buildings.

(E) **Drive Way:** Minor entranceway off the common access route within the park, into an off-street parking area serving one or more HUD-Code Manufactured Mobile Homes.

(F) **HUD-Code Manufactured Home:** Means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is ten body feet or more in width or 50 body feet in length, or, when erected on site, is 500 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Anything less than the length and/or width specified in this paragraph shall not be allowed in a HUD-Code Manufactured Home Park.

(G) **License:** Written license issued by the City Council, permitting a person to operate and maintain a HUD-Code Manufactured Home Park under the provisions of this Ordinance.

(H) **Mobile Home:** A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is ten body feet or more in width or 50 body feet or more in length, or, when erected on site, is 500 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Mobile homes shall not be allowed in a HUD-Code Manufactured Home Park.

(I) **HUD-Code Manufactured Home Park:** A parcel of land under single entity ownership which has been placed and improved for the placement of HUD-Code Manufactured Homes, accessory uses, and service facilities, meeting all requirements of this Ordinance and any applicable deed restrictions and state laws.

(J) **Parking Street, Off-Street:** A minimum space nine feet (9') in width by 22 feet in length, located within the boundary of a HUD-Code Manufactured Home space, or in common parking and storage area having unobstructed access to an internal street.

(K) **Permit:** Written permit/certification issued by the City Council permitting the construction, alteration, or extension of a HUD-Code Manufactured Home Park, (formerly called a mobile home park) under the provisions of this Ordinance and regulations issued hereunder.

(L) **Person:** Any natural individual, firm, trust, partnership, association or corporation.

(M) **Plot Plan/Site Plan:** Graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately

dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

(N) **Sewer Connection:** Connection consisting of pipes, fittings, and appurtenances from the drain outlet of a HUD-Code Manufactured Mobile Home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the HUD-Code Manufactured Home Park.

(O) **Sewer Service Riser Pipe:** That portion of sewer service which extends vertically to the ground elevation and terminates at a HUD-Code Manufactured Home space.

(P) **Space:** Plot of ground within a HUD-Code Manufactured Home Park designated for accommodation of one HUD-Code Manufactured Home, together with such open space as required by this Ordinance. Term includes “lot” and “site”.

Section 2. PARKING MANUFACTURED HOMES AND COACHES OUTSIDE MANUFACTURED HOME PARKS

It shall be unlawful for any person to park any manufactured home or coach on any street, alley, highway, sidewalk or other public place in the city for a longer period than three (3) hours.

No manufactured home or coach shall be parked, used, or occupied on any tract of ground within the city limits of Overton, except in a duly licensed manufactured home park; provided, however:

- (a) that any manufactured home or coach now parked upon a tract of ground outside of a duly licensed manufactured home park may be continued to be used and occupied from such tract of ground even though such use is a nonconforming use, but if any such nonconforming use of land ceased for any reason for a period of more than ninety (90) days. (no longer authorized – see HB 1460 (2007))
- (b) that the code enforcement / building official may allow the parking, use, and occupancy of a manufactured home or coach outside of a duly licensed manufactured home park for a period of time not exceeding ten (10) days, when such home or coach is occupied by persons employed in the operation of a temporary recreational, amusement, or civic activity. Such temporary parking, use and occupancy of a manufactured home or coach shall be permitted only when the home or coach is parked on the same premises on which the activity is located and only when adequate sanitary facilities are available upon the premises for the use of the occupants of the manufactured home or coach.
- (c) that coaches may be located on private property, provided that such location is for the purpose of storage only, not habitation, and provided that the owner of the coach resides on that same property.
- (d) that the code enforcement / building official may allow the parking, use and

occupancy of a coach on property containing a dwelling for a period of time not exceeding ten (10) days. Such temporary parking, use and occupancy of a coach shall be **allowed** only when adequate sanitary facilities are available upon the premises for the use of the occupants of the coach.

Section 3. PERMITS

(A) Permit Required - It shall be unlawful for any person to do the following unless he / she holds a valid permit issued by the City Council in the name of such person for the specific transportation, installation, construction, alteration or extension proposed:

- (1) transport or install **by using any City of Overton maintained street** a HUD-Code Manufactured Home (formerly called a mobile home)
- (2) construct a HUD-Code Manufactured Home Park (formerly called a mobile home park)
- (3) alter HUD-Code Manufactured Home Park (formerly called a mobile home park)
- (4) extend or expand any HUD-Code Manufactured Home Park (formerly called a mobile home park) within the limits of the City of Overton
- 5) remove or cause to be removed **by using any City of Overton maintained street** a mobile home (pre-1976 dated mobile home) or a HUD-Code Manufactured Home from any piece of property or HUD-Code Manufactured Home Park within the City of Overton

(B) Application Requirements - All applications for permits shall be made upon standard forms provided by the City Council and shall contain the following:

- (1) Name and address of the applicant.
- (2) Location and legal description of the HUD-Code Manufactured Home Park (formerly called a mobile home park).

To this application shall be attached five (5) copies of a site plan, at a minimum scale of 1" = 200' for sites of 30 acres or more, and at a minimum scale of 1" = 100' for sites under 30 acres. The site plan shall include all data required under Section 8.

(3) **Written permission** from all property owners having property within one thousand (1,000) feet of the nearest property line giving their permission for the installation of the HUD-Code Manufactured Home Park (formerly called a mobile home park) or the installation of a HUD-Code Manufactured Home (formerly called a mobile home). If a property owner cannot be located or identified, the City Council shall have the option to waive that one specified piece of property. Such written permission shall be presented at the time the permit application is presented for consideration by the City.

(C) Permit Fee - All applications to the **code enforcement officer / building official** shall be accompanied by the required fee as provided for in the **Schedule of Fees (Appendix A)**.

(D) Issuance of Permit - When upon review of the application, the City Council is satisfied that the proposed plan meets the requirements of law, a permit, shall be issued.

(E) Denial of Permit/Hearing - Any person whose application for a permit under the Ordinance has been denied, may request in writing a rehearing by the City Council within thirty (30) days on the matter and offer additional evidence if desired.

Section 4. LICENSES.

(A) License Required - It shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated or maintained upon any property owned or controlled by him any HUD-Code Manufactured Home Park (formerly called a mobile home park) within the limits of the City of Overton unless he / she holds a valid license issued annually by the City Council. All applications for licenses shall be made in writing on forms furnished by him, to the City Council, who shall issue a license upon compliance by the applicant with provisions of this Ordinance. The City Council shall not issue a license unless the applicant is in compliance with all applicable ordinances and laws. Said license shall expire on 31st day of December each year.

(B) Application for Original License - Application for original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of the license fee hereinafter provided, and shall contain:

- (1) The name and address of the applicant.
- (2) The location and legal description of the park.
- (3) A site plan of the park prepared in accordance with Section 8 hereof.

(C) Hearing Granted Applicants - Any person whose application for a license under this Ordinance has been denied may request in writing and within ten (10) days a rehearing which shall be granted by the City Council.

(D) Application for License Renewal - Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City council on or before December 1 of each year. Such application shall contain any change in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the HUD-Code Manufactured Home Park (formerly called a mobile home park) register as hereafter provided.

(E) License Fee - All original license applications or renewals hereof shall be accompanied by a fee as provided for in the **Schedule of Fees (Appendix A)**. All renewal fees shall be due on the issuance of the license.

(F) Transfer of License - Every person holding a license shall give notice in writing to the City Council within fifteen (15) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any HUD-Code Manufactured Home Park (formerly called a mobile

home park). Application for transfer of license shall be made not later than fifteen (15) days after the date of the sale, transfer, or gift, or other disposition of interest in or control of HUD-Code Manufactured Home Park (formerly called a mobile home park) and the City Council shall act thereon at the next regularly scheduled meeting.

(G) Transfer of License Fee - All application for license transfer shall be accompanied by a fee as provided for in the **Schedule of Fees (Appendix A of this Code)**.

(H) Violations, Notice, Suspension of License - Whenever, the City Council finds that conditions or practices exist which are in violation of any provisions of this Ordinance it shall give notice in writing in accordance with Section 6A of this Ordinance, to the permittee or licensee or his agent that unless such conditions or practices are corrected within a reasonable period of time of not less than thirty (30) days nor more than one (1) year as specified in such notice, the license or permit shall be suspended. At the end of said period of time and if such conditions or practices have not been corrected, the City Council may suspend the license and give notice in writing of such suspension to the licensee or his agent at the address provided in the application. Upon receipt of notice of suspension, licensee shall cease operation of such park within ten (10) days after the notice is issued.