

ORDINANCE NO. 2655

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING THE TEXT OF BRYAN CODE OF ORDINANCES, CHAPTER 130, BY ADDING SPECIFIC USE REGULATIONS FOR RECREATIONAL VEHICLE PARK USES AND REQUIRING CONDITIONAL USE PERMIT APPROVAL FOR SUCH USES IN COMMERCIAL (C-3) ZONING DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted by Chapter 211 of the Texas Local Government Code, the City of Bryan has adopted zoning regulations as a part of Chapter 130 of the Bryan Code of Ordinances; and

WHEREAS, the Bryan City Council recognizes the need from time to time to amend these regulations to add requirements; and

WHEREAS, the Planning and Zoning Commission recognizes that there is a need to adopt specific use regulations for recreational vehicle park uses regarding the construction and appearance, as well as ensuring safety of the general public on property in such use; and

WHEREAS, the Planning and Zoning Commission, during its regular meeting on September 7, 2023 recommended approval of amendments to the text of Bryan Code of Ordinances Chapter 130, Zoning, by adding specific use regulations for recreational vehicle parks and requiring conditional use permit approval for such uses in Commercial Districts (C-3); and

WHEREAS, the City Council has held a public hearing concerning the proposed ordinance text amendment for which notice was published at least fifteen (15) days prior to the hearing date.

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

1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

2.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II. - Zoning Districts, Section Sec. 130-16. - C-3, commercial district, subsection (b) and (c) is hereby amended to read as follows:

Sec. 130-16. – C-3, commercial district.

(b) *Permitted uses.* Any permitted use in the C-2 district with the addition of:

- Amusement arcade (video arcade);
- Automobile repair;

- Automobile sales/rental/service;
- Boat sales/rental/service;
- Bus terminal/station;
- Commercial amusement, (indoor);
- Commercial amusement, (outdoor);
- Commercial bakery;
- Farm equipment sales and service;
- Feed store;
- Fraternity/sorority house;
- Gaming establishments;
- Ice company (sales);
- Ice company (wholesale);
- Indoor archery and shooting range;
- Landscape service;
- Laundries, commercial;
- Lumberyard;
- Manufactured home display and sales;
- Micro-assembly;
- Mini-warehouse/self-storage;
- Motorcycle sales/rental/service;
- Nightclub or tavern;
- Office—Showroom/warehouse;
- Theater—Outdoor (amphitheater);
- Overnight delivery company;
- Paper/chemical suppliers;
- Parking lots (nonpaid for nonresidential use);
- Plumbing service;
- Portable/small commercial structures—Permanent;
- Portable/small commercial structures—Seasonal;
- Printing company;
- Private utility company (with general outdoor storage);
- Recycling collection point;
- ~~Recreational vehicle (RV) park;~~
- Tool and machinery rental;
- Truck repair/truck stop;

- Veterinary services (no outdoor runs or pens).
- (c) *Conditional uses.* Any conditional use allowed in the C-2 district with the exception of credit access business, and the addition of:
- Cabinet shop;
 - Cemetery;
 - College or university;
 - Flea market;
 - Golf course or country club;
 - Heliport or helistop;
 - Manufacturing;
 - Machine shop;
 - Moving company;
 - Multifamily dwelling;
 - Recovery facility;
 - Recreational vehicle (RV) park;
 - Refuse systems;
 - Rodeo grounds;
 - Stable—Commercial.

3.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article III. - Other Regulations, Section 130-34. - Special and supplementary regulations, is hereby amended by adding a new subsection (u) that reads as follows:

Sec. 130-34. – Special and supplementary regulations.

(u) Recreational vehicle (RV) Park.

(1) Purpose and key objectives.

- a. The purpose of these special and supplementary regulations for RV Park establishments is to mandate a higher level of design, increase the quality of RV Parks in Bryan, and ensure safety of the general public.

(2) Location.

- a. RV Parks shall be located on a lot with a minimum area of ten (10) acres.

(3) Restrictions

- a. RV Parks shall allow for the temporary occupancy of vehicles that are built on a single chassis that are designed to be self-propelled or permanently towable by an automobile or light duty truck and are primarily for use as temporary living quarters for recreational, travel, or seasonal use.
- b. No person shall operate an RV Park unless they hold valid permits and licenses as required by the State of Texas and the Brazos County Health Department.
- c. RV Parks shall permit only placement and habitation of recreational vehicles. No recreational vehicle shall remain in an RV Park or RV Parks located within Bryan for more than a total of ninety (90) days in any twelve (12) month period.

(4) Site Standards.

- a. There shall be a 25-foot wide no development buffer from all property lines.
- b. A minimum of 6-foot tall screening fence shall be provided for adjacent properties. A minimum 3-foot tall screening device, either being landscaping or masonry wall, shall be provided along lot lines adjacent to public right-of-way.
- c. All RV Parks shall designate specific pad site locations for recreational vehicles.
 1. Each pad site location shall have a minimum area of one-thousand-five-hundred (1,500) square feet with provisions for wastewater disposal, public water hook-up and electrical supply.
 2. All pad sites shall be sequentially numbered. Reflective site numbers shall be a minimum of 4 inches in height and placed on a separate post on the site. A map of the site layout with site numbers shall be placed at the entrance to the park in such a manner as to be clearly visible to entrants.
 3. Recreational vehicle pads shall be separated from each other by a minimum of ten (10) feet.
 4. Recreational vehicle pads shall be separated from the recreation area in the park by a minimum of fifteen (15) feet
 5. RV pad sites shall be setback a minimum of ten (10) feet from any internal drives in the park.
 6. All recreational vehicle pad sites shall be setback a minimum of fifty (50) feet from the right-of-way line of all adjacent public roads and any RV Park boundaries.
 7. A minimum of one and one half (1.5) parking spaces independent of the space provided for the RV itself shall be provided per recreational vehicle pad site. One (1) space shall be located on the RV site, the remainder may be located in an approved parking area.
- e. A recreation area shall be provided and centrally located on site. Recreation areas shall constitute a minimum of fifteen (15) percent of the gross RV Park site. Recreation areas shall also contain benches and landscaping. The area shall be adequately lighted to ensure safety of users.
- f. Internal drives shall have a minimum paved width of twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic. All internal drives shall be built to City pavement standards and shall be privately maintained.
- g. Each RV Park shall have restroom, shower, and laundry facilities. All facilities used by the patrons of the park must be well lit inside and out during all hours.

4.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

5.

That the Code of the City of Bryan, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

6.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

7.

That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

8.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly

9.

That this ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED and APPROVED the 14th day of November 2023, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of 5 yeses and 0 noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF SEPTEMBER 7, 2023:**

5. Proposed Amendments to the text of Bryan’s Code of Ordinances – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval).

B. *Proposed amendments to the Bryan Code of Ordinances, Chapter 130 – Zoning, Sec. 130-16 Special and supplementary regulation, to further regulate use and create standards of development in regards to Recreational Vehicle Parks. (M. Cameron)*

Mr. Cameron presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

In response to Commissioners’ questions, Staff stated that enforcement mechanisms are not in place but it provides the ability to implement these regulations by code enforcement.

The public hearing was opened.

Mr. Matt Brown, 3709 Sweetbriar Dr., stated his disagreement with Commissioner’s discretionary opinion for developments.

The public hearing was closed.

Commissioner McBroom Balke moved to recommend approval of the proposal to amend the text of the Bryan Code of Ordinances Chapter 130, Zoning, specifically to add special and supplementary regulations for development of Recreational Vehicles (RV) Parks to the Bryan City Council, as requested. Commissioner Rodriguez seconded the motion.

The motion passed unanimously.

Memorandum

To: Planning and Zoning Commission

From: Mitchell Cameron, Staff Planner

Date: September 7, 2023

Re: a proposal to amend the text of Bryan Code of Ordinances Chapter 130 – Zoning. Sec. 130-16 Commercial District (C-3), and Sec. 130-34, Special and supplementary regulations, to further regulate use and create standards of development in regards to Recreational Vehicle Parks.

BACKGROUND:

On July 20, 2023, during a regular workshop session, staff discussed with the Planning and Zoning Commission a proposal to amend the text of Bryan Code of Ordinances Chapter 130-Zoning to add special and supplementary regulations for development of Recreational Vehicle (RV) Parks. Based suggestions from the Commission, staff altered the proposed amendment to allow those visiting Bryan in a recreational vehicle to stay for 90 days within a 12-month period. The previously proposed limit was 60 days.

In Bryan, development standards for RV Parks do not exist. Staff is concerned that this lack of guidance and regulation could fail to mandate development that ensures public safety. Staff is tasked to examine solutions to guide future RV Park development, ensure public safety, and discourage use recreational vehicles as long-term dwelling units.

Staff analyzed RV Park regulations of other cities, and found it common that RV park development standards exist. Staff found that standards were adopted with the purpose of increasing public safety and to create a higher standard of development.

Based on the compilation and examination of available information, staff concludes that two changes should be recommended to Chapter 130 – Zoning. Sec. 130-16 Commercial District (C-3), and Sec. 130-34, Special and supplementary regulations, should be amended to further regulate use and create standards of development.