

Memorandum

To: Planning and Zoning Commission

From: Randy Haynes, AICP, Senior Planner

Date: March 28, 2019

Re: Proposed Conversion of the Special District, Mixed Use Residential (MU-1) Zoning to Residential District – 5000 (RD-5)

BACKGROUND:

Chapter 5 of the comprehensive plan, BluePrint 2040, concerns land use and begins with an explanation of how development has shaped our town. The plan states that in some older residential areas, decades of unregulated development has produced conditions that make beneficial change difficult. Recognizing the importance of neighborhoods as the fundamental fabric of the community, in part BluePrint 2040 lays out a vision of the future intended to support reinvestment in Bryan's older neighborhoods. Specifically addressed in the plan is the issue of Mixed Use Residential District (MU-1) zoning and manufactured housing on individual lots.

In the two years since its adoption by ordinance, BluePrint 2040 has guided land use decisions concerning development. In order to proactively implement an important part of the plan intended to remove impediments to investment and cause positive change in older neighborhoods, on May 17, 2018, the Planning and Zoning Commission established a subcommittee to study conditions related to the manufactured housing and BluePrint 2040 recommendations. Since that date, the subcommittee has met on six occasions to hear information gathered by staff and input from outside stakeholders and to discuss their findings and recommendations.

As observed in BluePrint 2040, manufactured housing is a major affordable housing resource for millions of people in the United States and has been a significant component of the local affordable housing market. Although at the time of initial sale, all manufactured houses must satisfy national construction and safety standards, despite the evident advantages of affordability and regulatory safeguards, manufactured housing is perceived by some to create negative effects on the community.

COMMITTEE FINDINGS:

Based on study of the facts as discovered and presented by staff and industry stakeholders, the subcommittee finds the following:

1. manufactured housing is a major affordable housing resource that must satisfy national construction and safety standards;
2. manufactured housing has been a significant component of the local affordable housing market;
3. there are common concerns about the quality, appearance, durability and lack of price appreciation of manufactured housing, and the perceived negative impact these factors have on neighboring property values;

4. such concerns are driven by the existence of dilapidated manufactured housing units that have, through normal wear and tear or lack of proper maintenance, passed the end of their service life but are still in use as dwellings;
5. continuing to allow the installation of manufactured homes on individual lots will create conditions having a long-term negative effect on the welfare of the public;
6. the Mixed-Use Residential District (MU-1), the only district which allows manufactured homes on individual lots by right, was established 30 years ago as a temporary district classification;
7. the zoning ordinance should be amended by eliminating the MU-1 District and converting all existing properties so zoned to Residential District – 5000 (RD-5)
8. the conversion of MU-1 to RD-5 will effect approximately 2,587 properties;
9. the conversion of MU-1 to RD-5 will render approximately 950 existing mobile / manufactured homes a nonconforming use;
10. the conversion of MU-1 to RD-5 may reduce the availability of affordable housing;
11. manufactured housing should be allowed in Bryan within licensed manufactured home communities;
12. the City should consider establishing incentives to encourage owners to replace mobile/manufactured homes located on individual lots with site-built homes.

COMMITTEE RECOMMENDATIONS:

To curtail the installation of manufactured on individual lots the subcommittee proposes a number of text amendments to the Bryan Code of Ordinances. If approved, the proposed text amendments will impact specific portions of the Bryan Code of Ordinances as follows:

1. Reference to MU-1 will be removed from Chapter 38 – Environment, Article II – Abandoned and Junked Vehicles, Division 4 Section 38-119 – Exceptions, subsection (2)(d).

(d) Shall not be parked or stored in the front yard on any residential lot zoned AO, RD-7, RD-5, ~~MU-1~~, SC-R, and PD districts or on any premises which are used for one-family, two-family or multi-family dwelling purposes. For the purposes of this section, front yard shall mean the areas of a residential lot which are forward to the rear exterior wall of the building, including side yards.

2. The chart column referencing MU-1 will be removed from the Land and Site Development Ordinance, Article IV. Building Setbacks and Lot Standards, Division 1, Section 62-161 Standards.
3. Reference to MU-1 (Mixed Use Residential) will be removed from the definition of Zoning District that appears in Chapter 98-Signs, Section 98-3. Definitions.

Zoning district shall mean A-O (Agricultural-Open Space), RD-7 (Single-Family-7000), RD-5 (Single-Family-5,000), MF (Multifamily), C1 (Office District), C2 (Retail), C3 (Commercial District), DT (Downtown), I (Industrial), I-IP (Historical Preservation District), PD (Planned Development), ~~MU-1 (Mixed Use Residential)~~, and MU-2 (Mixed Use). Also see "District."

4. Reference to MU-1 will be removed from Chapter 98-Signs, Section 98-7 – Signs not requiring permits, subsection (3).

No permit shall be required under this chapter for on-premises signs with the following descriptions; any sign listed hereunder shall be erected and maintained in a safe condition in conformance with all other requirements of this chapter, the building code, and the electrical code:

1. *On-premises signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the building code and the electrical code;*
 2. *Vehicular signs;*
 3. *One construction sign for each street frontage of a construction project, not to exceed 16 square feet in sign area in RD-5 and RD-7 and MU-1 zoning district or 32 square feet in sign area in all other areas. Such signs may be erected 30 days prior to beginning of construction and shall be removed prior to issuing a certificate of occupancy, but shall not remain on the site if building permit expires;*
5. Reference to MU-1 will be removed from the title of Section 98-43.

Sec. 98-43. - Signs allowed in RD-5, RD-7, MF; ~~MU-1~~ and AO zoning districts.

6. Reference to MU-1 will be removed from Chapter 118 – Traffic and vehicles, specifically from Section 118-88 – Parking, Standing or Storage of Vehicles, Trailers, subsection (b).

(b) It shall be unlawful for any person or any owner to park, stand, or store or to permit the parking, standing or storing of any vehicle, recreational vehicle, motor home, trailer, boat or truck-tractor on any portion of a front or side yard visible from a public place in residential areas zoned AO, SF-7, SF-5, ~~MU-1~~, SC-R, and PD districts or on any premises which are used for one-family, two-family or multifamily dwelling purposes unless:

7. The entry titled 130-29 MU-1 Mixed Use Residential District will be removed from the table of contents of Chapter 130 Zoning.
8. Reference to MU-1 Mixed Use Residential District will be removed from the list of special purpose zoning districts that appears on Article II, Section 130-8
9. Reference to MU-1 will be removed from the list of development criteria that appears in Section 130-25 – PD Planned Development District, Subsection (c)(4)(b).

(b) Where structures within the planned development that exceed 35 feet in height are proposed to be erected on lots adjacent to RD-7, RD-5, ~~MU-1~~, or A-O districts, such structures shall be located one foot from the boundary of the open space buffer described in [section 130-25\(c\)\(4\)a](#) for each 2 feet of height over 35 feet.

10. All of Section 130-29, MU-1, Mixed Use Residential District will be deleted:

~~130-29—MU-1, Mixed Use Residential District.~~

~~*General purpose and description.*~~

~~*The MU-1, Mixed Use Residential District is a special and unique zoning district, which will be appropriate to smaller lots in relatively few areas of the City. The district is intended as an interim zoning classification to aid in transition of certain areas of the City to a permanent zoning district classification in the future. The uses in the MU-1 District are envisioned to be primarily single-family detached dwellings. Due to the age, previous platting, and subdivision patterns, and location of these areas, they contain a variety of residential types and uses. This district allows mobile homes and manufactured homes on individual lots and certain other dwelling types. Most of the*~~

~~areas zoned for MU-1 already have a high percentage of mixed residential uses. The use of this district is limited predominantly to areas platted and containing a variety of residential uses.~~

~~Permitted uses:~~

~~All uses permitted in a RD-5 District with the addition of:
Manufactured Homes on Individual Lots.~~

~~Conditional uses:~~

~~Any conditional use allowed in a RD-5 District with the addition of:
Manufactured housing land lease communities.~~

~~Lot area, height, and setback requirements:~~

~~See building setbacks and lot standards in Article IV of Chapter 62.~~

~~Parking regulations:~~

~~See access and off street parking in Article VI of Chapter 62.~~

~~Other regulations:~~

~~As established by all other applicable sections and/or ordinances.~~

~~Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development in Article III of Chapter 62 before activity on the property may resume. Single family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.~~

~~Wireless telecommunication facilities shall be allowed only as provided for in Sec 130-35.~~

~~Special requirements:~~

~~All mobile/manufactured homes shall be placed, tied down, and secured according to the standards set forth by the Chief Building Official.~~

~~Mobile homes in licensed mobile home parks shall comply with all applicable requirements of Chapter 74.~~

~~All mobile/manufactured homes shall be skirted with suitable weatherized material.~~

~~Outdoor storage is prohibited (except for materials for the single family resident's personal use or consumption, e.g., firewood, gardening materials, etc.).~~

~~Residential dwelling permitted in this district shall conform to standards as specified in the RD-5 District.~~

~~No temporary structures, such as recreational vehicles, travel trailers, or construction trailer (excluding mobile homes) may be used for on-site dwelling purposes.~~

~~Patio homes shall be permitted only on lots specified for such a use in an approved plat (see Sec. 62-167, for criteria). Townhouse and duplex dwellings permitted conditionally are subject to the supplemental regulations of Sec. 62-168 and Sec. 62-169, respectively.~~

11. The chart column referencing MU-1 will be removed from the Chapter 130 Zoning, specifically Section 130-34(m)(7) which relates to permitted outdoor storage and display.
12. The MU-1 label will be removed from the column on the matrix illustrating the type and allowed locations for Wireless telecommunication facilities located in Section 130-35(b)(2).

13. In Section 130-36 Manufactured Housing Land Lease Communities subsection (c), the reference to the Mixed Use District will be deleted:

(c) Zoning for manufactured housing land lease communities.

New development of a manufactured housing land lease community shall require a conditional use permit (CUP) from the Planning and Zoning Commission. The Planning and Zoning Commission may place additional conditions on the site where it deems necessary to do so to protect the health, safety and general welfare of the public and where such conditions will promote and uphold the City comprehensive plan. The Planning and Zoning Commission may also take into consideration the proposed location of the manufactured housing land lease community in relation to present and anticipated future land use. The regulations of Sec. 130-33 govern the issuance of conditional use permits in the following zoning districts:

- 1. A-O, Agricultural-Open District;*
- 2. MF, Multiple-Family District; and*
- 3. ~~MU-1, Mixed Use Residential District.~~*