

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING THE CITY OF BRYAN CODE OF ORDINANCES, CHAPTER 130, ZONING BY ELIMINATING ALL OF SECTION 130-29 - MIXED USE RESIDENTIAL DISTRICT (MU-1) AND CONVERTING THE DEPICTION OF ALL PARCELS OF LAND CURRENTLY DESCRIBED ON THE OFFICIAL ZONING DISTRICT MAP AS MU-1 TO RESIDENTIAL DISTRICT – 5000 (RD-5); AMENDING CHAPTER 38, ENVIRONMENT TO REMOVE ALL REFERENCES TO THE MU-1 DISTRICT; AMENDING CHAPTER 62, LAND AND SITE DEVELOPMENT TO REMOVE ALL REFERENCES TO THE MU-1 DISTRICT; AMENDING CHAPTER 98, SIGNS, TO REMOVE ALL REFERENCES TO THE MU-1 DISTRICT; CHAPTER 118, TRAFFIC AND VEHICLES TO REMOVE ALL REFERENCES TO THE MU-1 DISTRICT; PROVIDING FOR A 90-DAY PERIOD LIMITED VESTING PROVISION FOR CURRENT OWNERS OF VACANT PROPERTY TO SEEK APPROVAL UNDER THE PREVIOUS STANDARD; 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, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, which divides the City of Bryan into various zoning districts and allows land uses within each of those districts; and

WHEREAS, manufactured home is defined as 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 8 body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 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 of the home; and

WHEREAS, the installation of manufactured homes is allowed in various zoning districts of Bryan; and

WHEREAS, the City of Bryan's Comprehensive Plan ("BluePrint 2040"), which the City Council adopted on October 25, 2016, recommends reevaluation of the current zoning code to incorporate revised manufactured housing standards; and

WHEREAS, the City's Planning and Zoning Commission appointed a subcommittee to specifically study the issue of land use and structures commonly referred to as manufactured homes; and

WHEREAS, said subcommittee reported its findings and recommendations to the full Planning and Zoning Commission during a special meeting on March 28, 2019; and

WHEREAS, during its special meeting on March 28, 2019, the City of Bryan Planning and Zoning Commission voted to recommend to amend Chapter 38, Environment; Chapter 62, Land and Site Development, Chapter 98, Signs; Chapter 118, Traffic and Vehicles; and Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by removing all of Section 130-29, Mixed Use Residential District (MU-1), and amending Chapter 38, Environment; Chapter 62, Land and Site Development, Chapter 98, Signs; Chapter 118, Traffic and Vehicles, to remove all reference to the Mixed Use Residential (MU-1) District; and

WHEREAS, the City Council has held a public hearing on the proposed 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 are true and correct and hereby makes them part of this ordinance.

2.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification on all land classified Mixed Use Residential District (MU-1) to Residential District – 5000 (RD-5), and that the current zoning district map of the city, provided for in Bryan Code of Ordinances Section 130-4 and adopted as part of Chapter 130 as if set forth therein in detail, is amended accordingly.

3.

That Chapter 38, Environment, of the Bryan Code of Ordinances, Article II, Abandoned and Junk Vehicles, is hereby amended by modifying Section 38-119, subsection (2)d., deleting the reference to MU-1, as follows:

Sec. 38-119. - Exceptions.

(2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector in the back yard of the collector's property, if the vehicle or part, and the outdoor storage area, if any, are:

- a. Maintained in an orderly manner;
- b. Not a health hazard;
- c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. Appropriate means shall not include a tarp or similar covering; and
- 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.

4.

That Chapter 62, Land and Site Development, of the Bryan Code of Ordinances, Article IV, Building Setbacks and Lot Standards, is hereby amended by modifying Section 62-161, Standards, by deleting from the table the column for Zoning District MU-1, as follows:

Sec. 62-161. - Standards.

The following standards apply:

Zoning Districts	A-O	RD-7	RD-5	MF	C-1	C-2	DT-N, DT-S, DT-C	C-3	I	MU-1	MU-2
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Front setback ^{(3), (6), (7)}	50'	25'	25'	25'	25'	25'	(8)	25'	25'	25'	25'
Side setback adjacent to abutting property ^{(3), (5), (6)}	20'	7.5'	7.5'	7.5'	7.5'	7.5'	(8)	7.5'	7.5'	7.5'	7.5'
Side setback adjacent to an arterial street ^{(3), (6)}	25'	25'	25'	25'	25'	25'	(8)	25'	25'	25'	25'
Side setback adjacent to a collector or local street ^{(3), (6)}	25'	15'	15'	15'	15'	15'	(8)	15'	15'	15'	15'
Rear setback adjacent to an alley or abutting property ^{(3), (4), (5), (6), (10)}	25'	7.5'	7.5'	7.5'	7.5'	7.5'	(8)	7.5'	7.5'	7.5'	7.5'
Maximum lot coverage ⁽⁶⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	n/a	75% ⁽¹⁾	n/a	75% ⁽⁴⁾	75% ⁽¹⁾
Minimum lot size ^{(3), (6)}	1 ac	7,000 sf	5,000 sf	5,000 sf	10,500 sf	20,000 sf	n/a	20,000 sf	n/a	50,000 sf	7,000 sf
Minimum lot width ^{(3), (6), (9)}	150'	70'	50'	50'	70'	100'	n/a	100'	100'	50'	50'
Minimum lot depth ^{(3), (6)}	300'	100'	100'	100'	150'	200'	n/a	200'	200'	100'	100'
Maximum height ⁽⁶⁾	50'	35'	35'	35' ⁽²⁾	35' ⁽²⁾	35' ⁽²⁾	None	35' ⁽²⁾	35' ⁽²⁾	35'	35' ⁽²⁾

5.

That Chapter 98, Signs, of the Bryan Code of Ordinances, Article I, In General, is hereby amended by modifying Section 98-3, Definitions, by amending the definition of *zoning district*, as follows:

Sec. 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."

6.

That Chapter 98, Signs, of the Bryan Code of Ordinances, Article I, In General, is hereby amended by modifying Section 98-7, Signs Not Requiring Permits, by amending subsection (3), as follows:

Sec. 98-7. - Signs not requiring permits.

- (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 districts 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;

7.

That Chapter 98, Signs, of the Bryan Code of Ordinances, Article II, Regulation of On-Premises Signs By District, is hereby amended by modifying Section 98-43, Signs Allowed in RD-5, RD-7, MF, MU-1 and AO Districts, by amending the title to delete “MU-1”, as follows:

Sec. 98-43. - Signs Allowed in RD-5, RD-7, MF, ~~MU-1~~ and AO Districts.

8.

That Chapter 118, Traffic and Vehicles, of the Bryan Code of Ordinances, Article II, Specific Street Regulations, Division 3., Stopping, Standing, and Parking, is hereby amended by modifying Section 118-88, Parking, Standing or Storage of Vehicles, Trailers, by amending subsection (b), as follows:

- (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:

(1) Such area is part of a hard-surfaced driveway or parking area; or

(2) Such area is a part of a gravel driveway or parking area bordered by cement curbing or similar permanent border to contain the gravel. Provided, however, the use of gravel for the expansion of a driveway or the addition of parking areas on a one-family, two-family or multifamily lot where existing parking areas or driveways are hard-surfaced shall be prohibited.

The term "hard-surfaced" as used herein shall mean an all-weather surface composed of asphalt or Portland cement pavement or other commonly accepted penetration surface which provides a durable, dustless surface and is approved by the city engineer.

9.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article II, Zoning Districts, is hereby amended by amending Section 130-8, Zoning Districts Established, by deleting the Special Purpose District named “Mixed Use – Residential” with the abbreviated designation “MU-1”, as follows:

Sec. 130-8. - Zoning districts established.

Abbreviated Designation	Special Purpose District Name
HP	Historic Preservation Overlay District
PD	Planned Development District
CO	Corridor Overlay District

Abbreviated Designation	Special Purpose District Name
MU-1	Mixed Use—Residential District
MU-2	Mixed Use District
R-NC	Residential - Neighborhood Conservation District

10.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article II, Zoning Districts, is hereby amended by modifying Section 130-25, PD, Planned Development District, by amending subsection (c)(4) b., as follows:

Sec. 130-25. - PD, planned development district.

(c) Planned development requirements.

(4) Development criteria.

- 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.

11.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article II, Zoning Districts, is hereby amended by deleting Section 130-29, MU-1 Mixed Use Residential District, in its entirety and showing Section 130-29 as being reserved, as follows:

Sec. 130-29. – Reserved. MU-1, mixed use residential district.

(a) 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.~~

(b) Permitted uses. ~~All uses permitted in a RD-5 district with the addition of:~~

- ~~• Manufactured homes on individual lots.~~

(c) Conditional uses. ~~Any conditional use allowed in a RD-5 district with the addition of:~~

- ~~• Manufactured housing land lease communities.~~

(d) ~~Lot area, height, and setback requirements. See building setbacks and lot standards in article IV of chapter 62.~~

(e) ~~Parking regulations. See access and off-street parking in article VI of [chapter 62](#).~~

(f) ~~Other regulations.~~

~~(1) As established by all other applicable sections and/or ordinances.~~

~~(2) 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.~~

~~(3) Wireless telecommunication facilities shall be allowed only as provided for in [section 130-35](#).~~

(g) ~~Special requirements.~~

~~(1) All mobile/manufactured homes shall be placed, tied down, and secured according to the standards set forth by the chief building official.~~

~~(2) Mobile homes in licensed mobile home parks shall comply with all applicable requirements of [chapter 74](#).~~

~~(3) All mobile/manufactured homes shall be skirted with suitable weatherized material.~~

~~(4) Residential dwelling permitted in this district shall conform to standards as specified in the RD-5 district.~~

~~(5) No temporary structures, such as recreational vehicles, travel trailers, or construction trailer (excluding mobile homes) may be used for on-site dwelling purposes.~~

~~(6) Patio homes shall be permitted only on lots specified for such a use in an approved plat (see [section 62-167](#), for criteria). Townhouse and duplex dwellings permitted conditionally are subject to the supplemental regulations of [section 62-168](#) and [section 62-169](#), respectively.~~

12.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by modifying Section 130-34, Special and Supplementary Regulations, by amending subsection (m)(7) by deleting from the table the column for MU-1, as follows:

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

(m) *Outdoor display and storage requirements.*

Outdoor display or storage shall be permitted in zoning districts as shown below:

	A-O	RD-7	RD-5	RN-C	MU-1	MU-2	MF	C-1	C-2	C-3	DT-N	DT-S	DT-C	SC-B	SC-R	I
<i>Sidewalk Display</i>	☐	x	x	x	✖	x	X	x	☐	☐	☐	☐	☐	☐	x	x
<i>Outdoor Display</i>	☐	x	x	x	✖	x	X	s	s	☐	x	x	x	s	x	x
<i>Limited Outdoor Storage</i>	s	x	x	x	✖	x	X	x	x	S	x	x	x	x	x	x
<i>General Outdoor Storage</i>	s	x	x	x	✖	x	X	x	x	S	x	x	x	x	x	x
<i>Industrial Outdoor Storage</i>	s	x	x	x	✖	x	X	x	x	X	x	x	x	x	x	☐

13.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by modifying Section 130-35, Wireless Telecommunication Facilities, by amending subsection (b)(2), by deleting MU-1 from the heading MU-1 MU-2 in the wireless telecommunications facilities siting matrix, as follows:

Sec. 130-35. - Wireless telecommunication facilities.

(b) Zoning for WTFs.

(2) *Wireless telecommunications facilities siting matrix.* Wireless telecommunication facilities are allowed, as indicated in the following table:

= Permitted as of right C = Conditional use permit required - = Prohibited	A- O	RD-5 RD-7	MF	C-1 C-2 C-3	I	MU-1 MU-2	CO	HP/D	HP/E
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14.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by modifying Section 130-36, Manufactured Housing Land Lease Communities, by deleting subsection (c)(3), as follows:

Sec. 130-36. - Manufactured housing land lease communities.

(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 [section 130-33](#) govern the issuance of conditional use permits in the following zoning districts:

(1) A-O, agricultural-open district; and

(2) MF, multiple-family district, ~~and~~

~~(3) MU-1, mixed-use residential district.~~

15.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by amending Section 130-34, Special and Supplementary Regulations, by adding a new subsection (r) as follows:

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

(r) Continuation of certain land use in areas formerly designated Mixed Use Residential (MU-1). Notwithstanding any other provision of law, the City may not prohibit a person from installing a manufactured home which otherwise complies with city requirements on land if:

- (1) the land was zoned Mixed Use Residential (MU-1) on January 1, 2019;
- (2) the person was the owner of record of the land on or before January 1, 2019;
- (3) the person claimed a homestead exemption with the Brazos Central Appraisal District on or before July 9, 2019;
- (4) the land is unimproved; and
- (5) a completed application for any license, certificate, permit, approval or other authorization by a governmental entity required by law for the installation of that manufactured home within the City was filed with the governmental entity before July 9, 2019.

The right to install a manufactured home under this provision shall expire if no progress has been made toward the installation of that manufactured home within one year of the application for installation of the manufactured home.

16.

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

17.

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.

18.

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.

19.

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.

20.

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

21.

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

PASSED, ADOPTED and APPROVED the 9th day of April 2019, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ____yeses and ____ noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXCERPT FROM MARCH 28, 2019 PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES:

3. 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).

a. Bryan Code of Ordinances, Chapter 130 - Zoning

Proposed Public hearing, presentation, and consideration of an ordinance to amend the text of the Bryan Code of Ordinances, Chapter 130 – Zoning by eliminating all of Section 130-29 - Mixed Use Residential District (MU-1); converting the depiction of all parcels of land currently described on the Official Zoning District Map as MU-1 to Residential District – 5000 (RD-5); and removing all references to the Mixed Use Residential District (MU-1) from other parts of the City of Bryan Code of Ordinances, specifically Chapters 38 – Environment; 62 – Land and Site Development; 98 – Signs; and 118 – Traffic and Vehicles. (R. Haynes)

Mr. Haynes presented the proposed text amendments to the Bryan Code of Ordinances Chapter 130. Staff recommends approval of these amendments.

In response to questions from the Commission, Mr. Haynes stated that staff received numerous phone calls from citizens requesting further information about this proposal, and that public hearing notices were sent to property owners rather than tenants.

Commissioners Rodriguez and Gonzalez commented that:

- This proposal is the result of direction from the Bryan City Council, and substantial research completed by the subcommittee over the past year.
- Existing manufactured homes on lots zoned MU-1 will not be affected by this amendment.
- The Commission is very concerned with personal property rights, and this proposal only concerns vacant lots.

The public hearing was opened.

Mr. Dan Kiniry, 708 W 17th St, Bryan, TX, Mr. John McBride, 1143 Stanley Trail, Bryan, TX, Ms. LaKeisha Carroll, 2929 Stevens Dr, Bryan, TX, Mr. Byrrone Watson, 910 Harlem Ln, Bryan, TX, Ms. Erma Hemphill, 1809 Nevada St, Bryan, TX, Mr. Victor Thomas, 1802 Pin Oak, Bryan, TX, Mr. Steve Jones, 1708 Grant St, Bryan, TX, Mr. Roland Hickman, 1010 Suncrest St, Bryan, TX, Mr. Sedrick Gilbert, 600 N Sims Ave, Bryan, TX, Mr. Robert Patton, 3608 Elaine Dr, Bryan, TX, Mr. Larry Gilbert, 2902 SH-21 West, Bryan, TX, Mr. Sergio Aguilar, 2706 Allen Forest Dr, Bryan, TX, Mr. Darius McCoy, 1000 Henderson St, Bryan, TX, Ms. Kimberly Mooring, 4008 High St, Bryan, TX, Ms. Ashley Ivey, 4112 Lakeside Dr, Bryan, TX, Ms. Gwen Crawford, 904 Florida St, Bryan, TX, Mr. Robert Rose, 3201 Walnut Creek Ct, Bryan, TX, Ms. Chrissy Ransome, 4008 High St, Bryan, TX, Ms. Margaret Kennedy, 2905 Wood Knoll Dr, Bryan, TX, Ms. Debra Miller, 714 Williamson Dr, Bryan, TX, Mr. Glenn Newton, 1505 Clark St, Bryan, TX, Ms. Dimple Wilson Suseberry, 1404 Conroy St, Bryan, TX, Mr. Roy Flores, 507 E 31st St, Bryan, TX, Mr. Rafael Pena, 510 W 15th St, Bryan, TX, Mr. Josh Wilkerson, 2019 Chaparral Cir, Bryan, TX, Mr. Raul Santana, 104 S Sterling, Bryan, TX, Mr. Karl Radde, 2106 SH-21 East, Bryan, TX, and Ms. Patricia Thurber, 3608 Elaine Dr, Bryan, TX, came forward to speak in opposition to this proposal, citing the following concerns:

- Manufactured homes are a necessary affordable housing option in Bryan.
- This proposal should not be considered until other low-income housing options are available.

- Many residents desire to place manufactured homes on vacant MU-1 lots in the future to provide housing for family members.
- Stick-built housing is not a feasible rental or ownership option for many residents of Bryan.
- Manufactured home communities do not allow the same flexibility and quality of life as other residential neighborhoods, and charge rental fees even for owner-occupied homes.
- Infrastructure improvements are needed in many MU-1 neighborhoods.
- Manufactured housing can quality-built and well maintained.
- Bryan residents should have freedom to invest in the housing option of their choice.
- This proposal would further income disparity and promote socioeconomic segregation.
- Additional public meetings should be conducted before this proposal moves forward, and significant concern has already been expressed.
- Homeowners should be aware of land uses permitted in MU-1 at the time of purchase.
- This proposal infringes on personal and property rights.
- Manufactured homes offer many of the same amenities as stick-built homes.
- This proposal could discourage citizens from pursuing homeownership.
- This proposal has an immediate negative impact for residents that are currently working towards the purchase of a manufactured home.
- The data presented regarding homeownership statistics may be skewed.

Ms. Rebecca Crenshaw, 1602 Finfeather Rd, Bryan, TX, came forward to speak in favor of this proposal, stating that manufactured home communities promote a strong sense of community and can be an asset to the City of Bryan.

Chairman Gutierrez called the meeting into recess at 7:42pm.

Chairman Gutierrez called the meeting back into session at 7:49pm.

Commissioners Gonzalez, Rodriguez, Torres, and Gutierrez commented that:

- Existing manufactured homes in MU-1 districts will not be prohibited by this proposal.
- The proposed amendment includes a provision to allow residents who intend to place a manufactured home on a vacant MU-1 lot in the near future to do so.
- Asset appreciation and neighborhood integrity are serious concerns of the subcommittee.
- The City is considering options to incentivize stick-built housing and make this an option for more Bryan residents.
- The majority of manufactured homes in Bryan are rental properties.
- Dilapidated manufactured housing creates a safety issue.
- Manufactured housing lowers property values for surrounding properties.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of the proposed text amendments to the Bryan Code of Ordinances Chapter 130, Zoning, as presented. Commissioner Conlee seconded the motion.

Commissioners thanked citizens for expressing their concerns and subcommittee members for their work in studying this issue, commenting that:

- This proposal does not prohibit existing manufactured homes or remove the option to replace them.
- Affordable housing is a serious concern in Bryan and should be an immediate focus of the City Council.
- MU-1 was implemented as a transitional zoning type and was intended to be reevaluated.

- Location and square footage drive rent prices for both stick-built and manufactured homes.
- Manufactured homes depreciate in value and typically have higher interest rates for financing, even though initial purchasing costs are lower.
- Manufactured homes have the same utility demands as stick-built homes, but do not produce the same property taxes.
- The intention of this amendment is to begin to build neighborhoods that citizens deserve and allow residents to protect their assets.

The motion passed unanimously.

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 2,606 properties;
9. the conversion of MU-1 to RD-5 will render approximately 750 existing mobile / manufactured homes a legal nonconforming use (grandfathered);
10. Owners of currently vacant MU-1 properties should be offered a brief, (90-day) opportunity to request from the P&Z approval of installation of a manufactured home for purposes of owner occupancy. Approval of such requests should be based on individual circumstances;
11. The City should consider establishing incentives to encourage owners to replace mobile/manufactured homes located on individual lots with site-built homes.
12. the conversion of MU-1 to RD-5 may reduce the availability of a type of affordable housing;
13. manufactured housing should be allowed in Bryan within licensed manufactured home communities;

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. The proposed text amendments to specific portions of the Bryan Code of Ordinances will appear as follows:

That Chapter 38, Environment, of the Bryan Code of Ordinances, Article II, Abandoned and Junk Vehicles, is hereby amended by modifying Section 38-119, subsection (2)d., deleting the reference to MU-1, as follows:

Sec. 38-119. - Exceptions.

(2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector in the back yard of the collector's property, if the vehicle or part, and the outdoor storage area, if any, are:

- a. Maintained in an orderly manner;
- b. Not a health hazard;
- c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. Appropriate means shall not include a tarp or similar covering; and
- 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.

That Chapter 62, Land and Site Development, of the Bryan Code of Ordinances, Article IV, Building Setbacks and Lot Standards, is hereby amended by modifying Section 62-161, Standards, by deleting from the table the column for Zoning District MU-1, as follows:

Sec. 62-161. - Standards.

The following standards apply:

Zoning Districts	A-O	RD-7	RD-5	MF	C-1	C-2	DT-N, DT-S, DT-C	C-3	I	MU-1	MU-2
Front setback ^{(3), (6), (7)}	50'	25'	25'	25'	25'	25'	(8)	25'	25'	25'	25'
Side setback adjacent to abutting property ^{(3), (5), (6)}	20'	7.5'	7.5'	7.5'	7.5'	7.5'	(8)	7.5'	7.5'	7.5'	7.5'
Side setback adjacent to an arterial street ^{(3), (6)}	25'	25'	25'	25'	25'	25'	(8)	25'	25'	25'	25'
Side setback adjacent to a collector or local street ^{(3), (6)}	25'	15'	15'	15'	15'	15'	(8)	15'	15'	15'	15'
Rear setback adjacent to an alley or abutting property ^{(3), (4), (5), (6), (10)}	25'	7.5'	7.5'	7.5'	7.5'	7.5'	(8)	7.5'	7.5'	7.5'	7.5'
Maximum lot coverage ⁽⁶⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	75% ⁽¹⁾	n/a	75% ⁽¹⁾	n/a	75% ⁽¹⁾	75% ⁽¹⁾
Minimum lot size ^{(3), (6)}	1 ac	7,000 sf	5,000 sf	5,000 sf	10,500 sf	20,000 sf	n/a	20,000 sf	n/a	50,000 sf	7,000 sf
Minimum lot width ^{(3), (6), (9)}	150'	70'	50'	50'	70'	100'	n/a	100'	100'	50'	50'
Minimum lot depth ^{(3), (6)}	300'	100'	100'	100'	150'	200'	n/a	200'	200'	100'	100'
Maximum height ⁽⁶⁾	50'	35'	35'	35' ⁽²⁾	35' ⁽²⁾	35' ⁽²⁾	None	35' ⁽²⁾	35' ⁽²⁾	35'	35' ⁽²⁾

That Chapter 98, Signs, of the Bryan Code of Ordinances, Article I, In General, is hereby amended by modifying Section 98-3, Definitions, by amending the definition of *zoning district*, as follows:

Sec. 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."

That Chapter 98, Signs, of the Bryan Code of Ordinances, Article I, In General, is hereby amended by modifying Section 98-7, Signs Not Requiring Permits, by amending subsection (3), as follows:

Sec. 98-7. - Signs not requiring permits.

- (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 districts 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;

That Chapter 98, Signs, of the Bryan Code of Ordinances, Article II, Regulation of On-Premises Signs By District, is hereby amended by modifying Section 98-43, Signs Allowed in RD-5, RD-7, MF, MU-1 and AO Districts, by amending the title to delete “MU-1”, as follows:

Sec. 98-43. - Signs Allowed in RD-5, RD-7, MF, ~~MU-1~~ and AO Districts.

That Chapter 118, Traffic and Vehicles, of the Bryan Code of Ordinances, Article II, Specific Street Regulations, Division 3., Stopping, Standing, and Parking, is hereby amended by modifying Section 118-88, Parking, Standing or Storage of Vehicles, Trailers, by amending subsection (b), as follows:

- (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:

(1) Such area is part of a hard-surfaced driveway or parking area; or

(2) Such area is a part of a gravel driveway or parking area bordered by cement curbing or similar permanent border to contain the gravel. Provided, however, the use of gravel for the expansion of a driveway or the addition of parking areas on a one-family, two-family or multifamily lot where existing parking areas or driveways are hard-surfaced shall be prohibited.

The term "hard-surfaced" as used herein shall mean an all-weather surface composed of asphalt or Portland cement pavement or other commonly accepted penetration surface which provides a durable, dustless surface and is approved by the city engineer.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article II, Zoning Districts, is hereby amended by amending Section 130-8, Zoning Districts Established, by deleting the Special Purpose District named “Mixed Use – Residential” with the abbreviated designation “MU-1”, as follows:

Sec. 130-8. - Zoning districts established.

Abbreviated Designation	Special Purpose District Name
HP	Historic Preservation Overlay District
PD	Planned Development District
CO	Corridor Overlay District

Abbreviated Designation	Special Purpose District Name
MU-1	Mixed Use — Residential District
MU-2	Mixed Use District
R-NC	Residential - Neighborhood Conservation District

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article II, Zoning Districts, is hereby amended by modifying Section 130-25, PD, Planned Development District, by amending subsection (c)(4) b., as follows:

Sec. 130-25. - PD, planned development district.

(c) Planned development requirements.

(4) Development criteria.

- 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.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article II, Zoning Districts, is hereby amended by deleting Section 130-29, MU-1 Mixed Use Residential District, in its entirety and showing Section 130-29 as being reserved, as follows:

Sec. 130-29. – Reserved. MU-1, mixed use residential district.

~~(a) 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.~~

~~(b) Permitted uses. All uses permitted in a RD-5 district with the addition of:~~

- ~~• Manufactured homes on individual lots.~~

~~(c) Conditional uses. Any conditional use allowed in a RD-5 district with the addition of:~~

- ~~• Manufactured housing land lease communities.~~

~~(d) Lot area, height, and setback requirements. See building setbacks and lot standards in article IV of [chapter 62](#).~~

~~(e) Parking regulations. See access and off street parking in article VI of [chapter 62](#).~~

~~(f) Other regulations.~~

- ~~(1) As established by all other applicable sections and/or ordinances.~~

~~(2) 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.~~

~~(3) Wireless telecommunication facilities shall be allowed only as provided for in [section 130-35](#).~~

~~(g) Special requirements:~~

~~(1) All mobile/manufactured homes shall be placed, tied down, and secured according to the standards set forth by the chief building official.~~

~~(2) Mobile homes in licensed mobile home parks shall comply with all applicable requirements of [chapter 74](#).~~

~~(3) All mobile/manufactured homes shall be skirted with suitable weatherized material.~~

~~(4) Residential dwelling permitted in this district shall conform to standards as specified in the RD-5 district.~~

~~(5) No temporary structures, such as recreational vehicles, travel trailers, or construction trailer (excluding mobile homes) may be used for on-site dwelling purposes.~~

~~(6) Patio homes shall be permitted only on lots specified for such a use in an approved plat (see [section 62-167](#), for criteria). Townhouse and duplex dwellings permitted conditionally are subject to the supplemental regulations of [section 62-168](#) and [section 62-169](#), respectively.~~

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by modifying Section 130-34, Special and Supplementary Regulations, by amending subsection (m)(7) by deleting from the table the column for MU-1, as follows:

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

(m) Outdoor display and storage requirements.

Outdoor display or storage shall be permitted in zoning districts as shown below:

	A-O	RD-7	RD-5	RN-C	MU-1	MU-2	MF	C-1	C-2	C-3	DT-N	DT-S	DT-C	SC-B	SC-R	I
<i>Sidewalk Display</i>	☐	x	x	x	✖	x	X	x	☐	☐	☐	☐	☐	☐	x	x
<i>Outdoor Display</i>	☐	x	x	x	✖	x	X	s	s	☐	x	x	x	s	x	x
<i>Limited Outdoor Storage</i>	s	x	x	x	✖	x	X	x	x	S	x	x	x	x	x	x
<i>General Outdoor Storage</i>	s	x	x	x	✖	x	X	x	x	S	x	x	x	x	x	x
<i>Industrial Outdoor Storage</i>	s	x	x	x	✖	x	X	x	x	X	x	x	x	x	x	☐

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by modifying Section 130-35, Wireless Telecommunication Facilities, by amending subsection (b)(2), by deleting MU-1 from the heading MU-1 MU-2 in the wireless telecommunications facilities siting matrix, as follows:

Sec. 130-35. - Wireless telecommunication facilities.

(b) Zoning for WTFs.

(2) *Wireless telecommunications facilities siting matrix.* Wireless telecommunication facilities are allowed, as indicated in the following table:

= Permitted as of right C = Conditional use permit required - = Prohibited	A- O	RD-5 RD-7	MF	C-1 C-2 C-3	I	MU-1 MU-2	CO	HP/D	HP/E
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That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by modifying Section 130-36, Manufactured Housing Land Lease Communities, by deleting subsection (c)(3), as follows:

Sec. 130-36. - Manufactured housing land lease communities.

(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 [section 130-33](#) govern the issuance of conditional use permits in the following zoning districts:

(1) A-O, agricultural-open district; and

(2) MF, multiple-family district, ~~and~~

~~(3) MU-1, mixed-use residential district.~~

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by amending Section 130-34, Special and Supplementary Regulations, by adding a new subsection (r) as follows:

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

(r) Continuation of certain land use in areas formerly designated Mixed Use Residential (MU-1). Notwithstanding any other provision of law, the City may not prohibit a person from installing a manufactured home which otherwise complies with city requirements on land if:

(1) the land was zoned Mixed Use Residential (MU-1) on January 1, 2019;

(2) the person was the owner of record of the land on or before January 1, 2019;

(3) the person claimed a homestead exemption with the Brazos Central Appraisal District on or before July 9, 2019;

(4) the land is unimproved; and

(6) a completed application for any license, certificate, permit, approval or other authorization by a governmental entity required by law for the installation of that manufactured home within the City was filed with the governmental entity before July 9, 2019.

The right to install a manufactured home under this provision shall expire if no progress has been made toward the installation of that manufactured home within one year of the application for installation of the manufactured home.