

Agenda Item Details

Meeting	Dec 08, 2020 - Bryan City Council Second Regular Meeting
Category	4. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.
Subject	A. Public hearing, presentation, and consideration of the first and only reading of an ordinance to amend the text of Bryan Code of Ordinances Chapter 130, Zoning, regarding standards for modular and industrialized homes
Type	Action
Preferred Date	Dec 08, 2020
Absolute Date	Dec 08, 2020
Fiscal Impact	No
Budgeted	No
Recommended Action	Open public hearing, hear citizen comments, close public hearing. Motion to approve the first and only reading of an ordinance to amend the text of Bryan Code of Ordinances Chapter 130, Zoning, regarding standards for modular and industrialized homes.
Goals	Quality of Life Economic Development

Summary:

“Modular building/housing (industrialized building)” is defined in Chapter 130, Zoning, of the Bryan Code of Ordinances, as:

a structure or building module as defined, under the jurisdiction and control of the Texas Department of Licensing and Regulation and the Texas Industrialized Building Code Council and that is installed and used by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term does not include a mobile/manufactured home as defined in the Texas Manufactured Housing Standards Act (V.T.C.A., Occupations Code Ch. 1201).

These structures, when used as a detached residential home, are a use allowed by right in all residential zoning districts. There are concerns that these homes have the potential, when not regulated correctly, to negatively impact other properties in the area of which they are installed.

Based on this concern, earlier this year, the Planning and Zoning Commission directed staff to research and propose enhanced regulations that may be added to existing modular home standards to protect established neighborhoods from potential negative impacts. During its workshop meeting

on June 4, 2020, the Planning and Zoning Commission considered the regulatory options legally available to the City and directed staff to move forward with the following regulation, commonly referred to as the "500-Foot Rule".

This regulation, if approved by the City Council, requires a proposed new modular or industrialized home to have a taxable value equal or greater than the median taxable value of each detached residence located within 500 feet of the property on which the modular or industrialized home is proposed to be installed. The applicant will bear the responsibility of proving that the proposed home is greater than or equal to the value of the surrounding homes. Staff proposes to amend existing regulations for modular buildings, included in Zoning Ordinance subsection 130-34(e), to also include this standard in a new subsection 130-34(e)6) as highlighted below.

Section 130-34. – Special and supplementary regulations.

(e) Modular buildings. Modular buildings are allowed in any zoning district providing the following requirements are met:

1. The building meets or exceeds all building code requirements that apply to other buildings concerning on-site construction.
2. The building conforms to all applicable zoning standards for the respective zoning district.
3. The building is affixed to a permanent concrete slab or grade beam foundation.
4. The building is skirted with matching weatherized material if any space is exposed between the structure and the slab or ground.
5. The chief building official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits and the compliance with the Texas Industrialized Housing and Buildings Act (V.T.C.A., Occupations Code Ch. 1202).
6. **Modular and industrialized housing. Per Texas Occupations Code, Section 1202.253, Municipal Regulation of Single Family and Duplex Industrialized Housing, detached industrialized homes shall:**

a. Have a value equal to or greater than the median taxable value for each detached residential dwelling located within 500 feet of the lot, measured in a straight line, on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for Brazos Central Appraisal District.

Analysis and Recommendation:

During its regular meeting on November 5, 2020, the Planning and Zoning Commission voted **unanimously to recommend approval** of the proposed amendments to the text of Bryan Code of Ordinances in Chapter 130, Zoning.

- The power to adopt this regulation comes from the Texas Occupations Code, Section 1202.253, which empowers municipalities to include certain specific regulations on modular and industrialized housing.
- This change responds to concerns from the development community regarding modular and industrialized homes.
- The proposed regulation will help ensure quality residential development continues in Bryan.

Options:

1. approve ordinance text amendment, as recommended by the Planning and Zoning Commission;
2. approve ordinance text amendment with modifications (which may require City Council consideration at a future City Council meeting); or

3. not approve this ordinance amendment at this time and provide direction to staff and the Planning and Zoning Commission.

Attachments:

1. draft ordinance;
2. excerpt from November 5, 2020 Planning and Zoning Commission regular meeting minutes; and
3. memorandum to the Planning and Zoning Commission.

[ORD Text Amendment, Ch 130 - 500-foot rule.pdf \(51 KB\)](#)

[12-8-2020 second regular meeting agenda item 4.A. - Ch. 130 Amendment 500-ft Rule.pdf \(613 KB\)](#)

Motion & Voting

Open public hearing, hear citizen comments, close public hearing.

Motion to approve the first and only reading of an ordinance to amend the text of Bryan Code of Ordinances Chapter 130, Zoning, regarding standards for modular and industrialized homes.

Motion by Buppy Simank, second by Bobby Gutierrez.

Final Resolution: Motion Carries

Aye: Andrew Nelson, Buppy Simank, Prentiss Madison, Reuben Marin, Brent Hairston, Bobby Gutierrez, Flynn Adcock