



AGENDA ITEM SUMMARY FORM

MEETING DATE: May 24, 2022

PREPARED BY: Walter E. Reeves Jr., AICP, Development Services Director

AGENDA CONTENT: Conduct a public hearing, discussion, and possible action on a request for approval of an ordinance authorizing a Specific Use Permit for use of a recreational vehicle as a residence on property described as Lot 24, Block 134, of the Lorraine Subdivision. The subject property consists of an approximate 7,900 sq. ft., is in the Single Family Residential-7.2 (SF-7.2), is located on the east side of N. Arcola Street approximately 100 ft. south of E. Lorraine Street and is more commonly known as 1124 N. Arcola Street.

AGENDA ITEM SECTION: Public Hearing

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

This is a request for authorization of a SUP for use of a recreational vehicle (RV) as a residence. This application was generated out of Development Services Department staff identifying the existing structure on the property as being a candidate for code enforcement action as a substandard structure and noticing the RV in the rear of the property (Attachment 2). Further investigation identified the RV as inhabited and connected to City water via a hose bib on the exterior of the existing structure, and to City sewer service via the existing structure's service line. The subject property is more commonly known as 1124 N. Arcola Street (Attachment 1).

The existing structure is uninhabitable at this point (see pictures). While there is no way to know when the RV was placed on the property and occupied, the applicants did purchase the property in June 2019. After discovery of the use of the RV as a residence, code enforcement was begun regarding the RV (Attachment 2). A building permit for renovation of the existing structure was issued on February 9, 2022 (Attachment 3), and application for a SUP was received on March 28, 2022.

Section 14-101 of the Angleton Code of Ordinances defines "recreational vehicle" as: "...a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use that either has its own motive power or is mounted on or towed by another vehicle and requiring no special permit by the Texas Department of Highways and Public Transportation. The

basic entities are travel trailers, camping trailers, truck campers, and motor homes. A recreational vehicle is not a mobile home or a HUD-Code manufactured dwelling as defined in this article.”

Section 14-103.(a) prohibits locating or maintaining a RV within the City limits outside of a licensed recreational vehicle park. Section 14-103.(b).(1) provides an exception if the RV is not connected to water or sanitary sewer systems serving the premises on which the RV is located. Section 14-103.(b).(3) allows for temporary placement of an RV for six (6) months with approval of an SUP which shall be based upon:

1. The purpose for which the RV will be used; **As a residence.**
2. The necessity for which the RV will be placed; **The existing residential structure is uninhabitable**
3. The appropriateness of the location; **The subject property is in a long developed residential neighborhood**
4. The amount of space available for the RV; **Space is available for the RV**
5. The availability of water and sewer service to which the RV will be connected; **The RV is currently connected to city water and sewer services**
6. Potential conflict with deed restrictions and homeowner’s associations; and **Unknown if there are any potential conflicts.**
7. Other factors deemed relevant.

Pursuant to Section 23-63.(e).(1) the following factors for consideration apply:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan; **The proposed use is not consistent with the Comprehensive Plan.**
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; **The proposed use is not consistent with the general purpose and intent of the applicable zoning district regulations.**
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter; **The proposed use does not meet the minimum side yard setback (5 feet) required in the SF 7.2 district.**
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to: **The proposed use is not compatible with and does not preserve the character and integrity of adjacent development and neighborhoods.**
 1. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; **This criterion is met.**
 2. Off-street parking and loading areas; **This criterion is met.**
 3. Refuse and service areas; **This criterion is met.**

4. Utilities with reference to location, availability, and compatibility; ***Utilities are available to the property.***
 5. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses; ***No screening or buffering is required, and none is proposed.***
 6. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; ***No signage is proposed.***
 7. Required yards and open space; ***The required side yard setback is not met.***
 8. Height and bulk of structures; ***The RV does not exceed height and bulk restrictions.***
 9. Hours of operation; ***Not applicable.***
 10. Exterior construction material and building design; and ***The RV is metal.***
 11. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. ***Not applicable.***
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. ***The use of the RV as a residence is inconsistent with surrounding uses in the neighborhood.***

(2) *Conditions:* In approving the application, the planning and zoning commission may recommend, and the city council may impose, such additional conditions (e.g., hours of operation, etc.) as are reasonably necessary to assure compliance with these standards and the purpose and intent of this section, in accordance with the procedures in [Section 28-24](#). Such additional conditions shall exceed the minimum standards contained herein or in any other applicable city Code or Ordinance, and they cannot, in effect, relax or grant relief from any of the city's minimum standards (see subsection (3) below). Any conditions imposed shall be set forth in the ordinance approving the specific use permit, and shall be incorporated into or noted on the site plan for final approval. The city manager shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the specific use permit, and shall sign the site plan to indicate final approval. The city shall maintain a record of such approved specific use permits and the site plans and conditions attached thereto.

(3) *Prohibition on waivers and variance* The foregoing additional conditions (i.e., standards of development for the SUP) shall not be subject to variances that otherwise could be granted by the board of adjustments, nor may conditions imposed by the city council subsequently be waived or varied by the BOA. In conformity with the authority of the city council to authorize specific use permits, the city council may waive or modify specific standards otherwise made applicable to the use by this chapter, to secure the general objectives of this section; provided, however, that the city council shall not waive or modify any approval factor set forth in subsection (a) of this subsection [28-63\(e\)](#).

The RV was setup on the property without consultation with the City regarding rules for its placement and has been on the property for an unknown period of time. It is connected to both the City's water and sewer service, also for an unknown period of time. The water connection is via a hose and how the sewer has been connected is unknown. The proposed use does not meet the criteria of Section 23-63.(e).(1) for an SUP. While the "intent" of the use of the RV as a residence is to allow the applicant to work on rehabilitating the existing structure, no construction schedule with verifiable benchmarks has been proposed for said rehabilitation.

The Planning and Zoning Commission held a public hearing on May 5, 2022 and voted 4 in-favor/0 opposed/2 absent/1 resigned to recommend denial of the requested SUP.

RECOMMENDATION:

Staff recommends denial of the Specific Use Permit for the temporary use of a recreational vehicle as a residence.

SUGGESTED MOTION:

I move we deny the Specific Use Permit for the temporary use of a recreational vehicle as a residence.