

Planning & Zoning Commission
INITIAL REPORT TO CITY COUNCIL OF
POSSIBLE WIDE-SCALE ZONING CODE TEXT AMENDMENTS

BACKGROUND:

In the latter part of 2023, the City recognized the need to amend the zoning code to include provisions and regulations specifically relating to new styles of affordable quality housing such as accessory dwelling units (ADUs), barndominiums, and tiny homes. Pending the development of such amendments, the City Council adopted a resolution that implemented a temporary moratorium on building permits for accessory dwelling units, barndominiums, and tiny homes. The purpose of the temporary moratorium was to allow the City time to develop definitions and zoning regulations for such dwellings with a goal to allow residents to build and live in such dwellings in a manner that would reflect the best practices and standards for the City's residents in every zoning district.

The process of developing the proposed amendments included open workshop meetings with the City's Building Official and Planning & Zoning Commission, a review of state laws relating to zoning regulations, a review of the City's 2020 Comprehensive Plan to identify any established goals and objectives relating to zoning regulations, and a review of zoning codes for other cities that had been recently updated to help determine best practices. While developing the proposed amendments, it was brought to light that the current lists and tables within the zoning code that identify permitted land uses included some significant discrepancies, the majority of permitted land uses were not adequately defined or described, and the current descriptions of some zoning districts contained inaccurate information. Such inconsistencies are understandable when keeping in mind that the majority of the permitted land use lists and tables and zoning code district descriptions have not been updated since 1985 without the benefit of personal computers that have significantly improved the research, drafting, proofing, and editing process.

In addition to the identification of discrepancies within the current zoning code, City staff realized the following: (1) there are state laws regarding permitted land uses that needed to be incorporated; (2) there are goals and objectives in the City's 2020 Comprehensive Plan that could be met by proposing more extensive zoning code amendments; and (3) zoning codes for other cities revealed the common practice of having only a table to identify permitted land uses instead of both a list and a table. The end result is that the proposed amendments became significantly more comprehensive than first planned to include a much-needed review and updating of all residential, commercial, and industrial land uses instead of just the addition of land uses and regulations relating to tiny homes, barndominiums, and accessory dwelling units.

PRIMARY OBJECTIVES OF AMENDMENTS:

The amendments have five primary objectives.

1. Incorporate Regulations for ADUs, Barndominiums, and Tiny Homes, including Design Standards for Other Newly Built/Installed Dwellings.

The amendments define each of these dwelling types, identify them as a new category of land use, and establish regulations for each category. The amendments will allow the City to lift the temporary moratorium on building permits for such dwellings.

- Accessory Dwelling Units (new Sec. 312): An accessory dwelling unit (ADU), sometimes known as a guest house, that meets the criteria and regulations established in the proposed new Section 312 would be permitted by right in the Agriculture-Residential (AR) District and by SUP in the R-2 and R-3 Districts. The regulations include allowing an ADU only when the primary dwelling is a detached single-family dwelling that is not a manufactured home or tiny home. Not allowing an ADU in the R-1 District and requiring the primary dwelling to be a single-family detached dwelling other than a manufactured home or tiny home prevents an ADU from circumventing zoning restrictions and helps prevent unsightly developments. In addition, the ADU must be a tiny home having a living space consisting of at least 450 square feet and not more than 900 square feet and may not be a barndominium, a repurposed structure originally designed as a storage building or other non-dwelling structure, or a manufactured home.
- Barndominiums (new Sec. 313): A barndominium meeting the criteria and regulations established in the proposed new Section 313 will be permitted as a primary dwelling by right in the AR District and by SUP in the R-1, R-2, and R-3 Districts. In addition, such barndominiums will be permitted in the M and I Districts by SUP on property that is a mixed commercial/residential land use if it also complies with the proposed new Sec. 315 that establishes criteria and regulations for mixed-use properties.
- Tiny Homes (new Sec. 316): A tiny home meeting the criteria and regulations established by the proposed new Sec. 316 will be permitted as follows:
 - AR District:
 - Primary Residential Dwelling – by SUP
 - ADU complying with Sec. 312 – by right.
 - R2 and R3: Primary Residential Dwelling or ADU – by SUP
- Design Standards: A proposed paragraph added to Section 301, Performance Standards, establishes design standards that would help ensure that permitted barndominiums and tiny homes will not have a negative impact on neighborhoods by having the appearance of a storage building or fortress. Because some barndominiums and tiny homes might be modular homes and state law does not allow a municipality to adopt a regulation that is more restrictive for industrialized housing than that required for a new single-family or duplex dwelling constructed on-site, the design standards apply to all newly built or installed detached single-family and two-family dwellings except for a manufactured home with a living space greater than 900 square feet. [State law reference: Tex Occupations Code, Section 1202.253(e).]

2. **Update Certain Regulations to Comply with Current State Laws.**

- **Manufactured Homes:**
 - Per Senate Bill 785 passed by the Texas 89th Legislature, the amendments establish zoning districts where manufactured homes are permitted by right without requiring a specific use permit (MH-1 for manufactured home subdivisions, such as Quail Trail, and MH-2 for manufactured home parks; such zoning districts are similar to zoning districts established by other cities); and
 - Per Tex. Occupations Code, Sec. 1201.008(e), the amendments establish a right to replace an existing manufactured home with a newer and larger manufactured home on the same property without requiring a specific use permit.
- **Animal Businesses:** Per Tex. Local Gov't Code, Sec. 229.901, effective September 1, 2023, the amendments permit animal businesses by right in every district with no restrictions IF the person operating that business holds a license for the business that was issued by the federal government or the State of Texas.
- **Modular Homes:** Per Tex. Occupations Code, Sec. 1202.253(e), the amendments delete modular homes as a separate type of land use because state law limits a municipality's authority to adopt a regulation that is more restrictive for a modular home and a site-built single-family or duplex dwelling.
- **Pawn Shops:** Per Tex. Local Gov't Code, Sec. 211.0035, a municipality must designate pawnshops that have been licensed to transact business by the Consumer Credit Commissioner as a permitted land use by right in one or more zoning classifications and may not impose a specific use permit requirement on such a pawn shop. The amendments designate pawn shops as a stand-alone land use instead of lumping it under "general retail sales" and will permit pawn shops by right in the M-manufacturing district. (Note: The M district is appropriate because it includes all uses permitted in the C-2 commercial district.)

3. **Incorporate Goals and Objectives established by the City of Crockett 2020 Comprehensive Plan.**

Sec. 211.004 of the Tex. Local Gov't Code stipulates that zoning regulations must be adopted in accordance with a comprehensive plan, and the City's 2020 Comprehensive Plan includes goals and objectives relating to housing and amending zoning regulations.

- **Updated Manufactured Home Regulations:** Adopting improved/updated manufactured home regulations is discussed as an objective in the City's 2020 Comprehensive Plan (*pages 3-20 through 3-22*) and is included in Goal 3.1 (*page 3-30*) to include stricter standards to improve manufactured house values. The proposed new Section 314 meets this goal and objective.
- **Expansion of Mixed-Use Availability (residential land use combined with commercial land use):** Sec. 10.2 of the City of Crockett 2020 Comprehensive Plan (*page 10-6*) noted that mobile homes are the only residential land use permitted in the M district,

which is the largest commercial area, and recommends the expansion of residential land use in other commercial zoning categories other than the C-3 district.

- The proposed amended zoning code amendments would expand mixed-use as follows:
 - C-1 and C-2: Horizontal mixed-use would now be permitted by SUP for an attached single-family dwelling unit behind or beside the commercial use.
 - C-3: Attached horizontal and vertical mixed use will continue to be permitted. One horizontal or vertical dwelling unit would now be permitted by right. An SUP would continue to be required for two or more dwelling units.
 - M & I: Mixed-use by SUP may now include not only a permitted manufactured home but also an attached horizontal dwelling unit or a detached site-built single-family dwelling, including a permitted barndominium.
- New Regulations to Protect Natural State of AR District: Objective 4.4.2, Enhancing Crockett’s Physical Appearance, in the City’s 2020 Comprehensive Plan recommends updating the zoning ordinance to require denser, more attractive development along Loop 304 by adopting screening and landscape requirements (*page 4-2*). A large part of Loop 304 is in the AR District, and the amendments include regulations to help ensure that event venues and outdoor commercial amusements in the AR District are designed to protect the district’s natural state. In addition, requiring any new RV camping areas to now be in the newly established MH-2 zoning district instead of allowing by specific use permit in the AR district will further protect the natural state of the AR District.
- Prohibiting Outdoor Merchandise Display or Storage in the C-3 District: Objective 10.4.3 in the City’s 2020 Comprehensive Plan, includes a recommendation to amend Section 201.7 of the zoning ordinance to specifically disallow all storage uses in the C-3 district (*recommendation #5 on page 10-30*). The amendments include a new regulation in Section 201.7 that no outdoor display or storage of merchandise that may be purchased by the general public or is an example of the type of merchandise sold at the location or outdoor repair or assembly of goods will be permitted in the C-3 district, including by businesses that would be permitted to have outdoor storage in another district. This regulation does not prohibit neat and orderly outside displays of decor (e.g., planters) that is not like the merchandise the property user is selling, including seasonal decor celebrating a current holiday, special event, or a seasonal change, or an outside seating area with seating made of non-porous material.

4. Clarify the Intent of Permitted Land Uses and Expand Certain Regulations as Needed.

- Definitions (existing Sec. 104):
 - Several definitions have been added or revised. Having a definition for land use is a standard best practice for a zoning code; however, several land uses are not

defined in the current code. The new/revised definitions clarify intent relating to the permitted land use and eliminate the need for assumptions of what is included in a permitted land use category. In addition, the numbering for definitions has been deleted to allow ease of adding and deleting definitions for this amendment and future amendments.

- New paragraph B (Undefined Terms) clarifies that any terms used in the code that are not defined in the zoning or building code shall have the customary meaning assigned to them with Webster's Dictionary.
 - A new provision has been added to clarify that if a definition is later found to conflict with a definition established by applicable Texas law, the Texas statutory definition will supersede the zoning code definition.
- New/Revised/Updated/Deleted Land Uses: The amendments include: (1) several new land uses that are referenced in zoning codes for other cities and are currently applicable or may be applicable in the future to the City of Crockett; (2) several revised/updated/deleted land uses based on current definitions and practices that have changed since 1985; and (3) the deletion of several stand-alone land use terms that have been consolidated into a more generic term.
 - Expanded Regulations relating to Outside Commercial Displays in the C-2 District (new paragraph 201.6H): The amendments add regulations to help ensure that outside displays of merchandise in the C-2 district are neat and orderly and only allowed overnight for businesses that have their primary inventory routinely displayed outside.
 - Expanded Regulations relating to Screening (existing Sec. 305): The amendments add a requirement that where there is a common side or rear lot line between a manufactured home park or a recreational vehicle park/campground with any other land, the owner of the park/campground shall erect a fence that completely screens/obstructs the view of the park/campground from the adjacent property.
 - Expanded Regulations relating to Temporary Buildings and Equipment (existing Sec. 306):
 - The amendments clarify the type of temporary buildings and equipment allowed on a construction site or extensive clean-up site and the length of time allowed.
 - The amendments specifically allow temporary recreational vehicle housing after obtaining a building permit or after a documented and verified medical emergency of an immediate family member or natural disaster. The maximum occupancy period is 90 calendar days unless the Building Official extends the initial 90-day period for a maximum of another 90 calendar days.
 - Expanded Regulations relating to Accessory Buildings (new Sec. 311): Accessory buildings are currently and will continue to be permitted by right in every residential district. Regulations have been added to a newly created Sec. 311 to help ensure that such buildings do not substantially depreciate the value of adjacent and nearby residential properties and do not have a negative impact on the neighborhood's overall curbside appeal.

- Expanded Regulations relating to Mixed-Use Properties (new Sec. 315): In addition to expanding the types and locations of mixed-use properties as described in Objective #3 above, the proposed new Sec. 315 includes regulations to help ensure that property owners permitted to use property for mixed-use are not using the property for only residential use without an active business operation, to help ensure that allowing mixed-use on commercial property in a non-residential district benefits the welfare of the City's business community, and to help ensure there is no unintended negative impact on surrounding properties.
- Expanded Parking Regulations (existing Sec 401): The amendments to Sec. 401 include: (1) allowing mixed-use properties in the C-3 district to reserve spaces in city-owned parking lots; and (2) prohibiting the parking of boats, campers, trailers and other recreational vehicles on streets or in a front yard other than in an oversized driveway or parking area that is not being used to meet the minimum parking requirements.

5. Eliminate Inconsistencies and Improve Content Structure.

- Land Use Lists: The long lists of permitted land uses within each district are being eliminated, leaving only the land-use charts as a reference for permitted land uses. The current lists and charts contain conflicting and inconsistent information and eliminating the lists will in turn help eliminate the possibility of future conflicts and inconsistencies. In addition, having only charts as a land-use reference, instead of redundant lists and charts, is a standard best practice for a zoning code.
- Land Use Charts: The proposed amended land use charts in Section 201.10 will: (1) identify every permitted land use instead of omitting some land uses that were previously only identified in the land-use lists; (2) for ease of review have a blank box instead of an "N" in the box if a land use is not permitted within a district; and (3) consolidate the current two separate charts for the C-1, C-2, C-3 district and the M and I districts into one non-residential chart.

Conclusion.

The Planning & Zoning Commission will hold a public hearing for the purpose of hearing citizens' comments regarding the Commission's preliminary report identifying the possible wide-scale zoning code text amendments. The preliminary report will consist of the information contained in this initial report along with: (1) an Attachment A providing a more detailed summary identifying every section of the zoning code that would be affected by the possible amendments, including every new/revised/deleted land use; and (2) an Attachment B identifying the exact possible text amendments, including the non-substantive miscellaneous edits to improve content, with all new/revised text underlined and all deleted text identified by strike-out font. Residents will be made aware of the P&Z public hearing by: (1) a brief statement on each water bill identifying the date and time of the public hearing; and (2) the legal notice of the public hearing published in the Messenger, which will notify residents how to review/obtain a copy of the possible zoning text amendments from the city's website, City Hall, or the public library. After the public hearing, the Commission will then consider and incorporate any changes resulting from input received during the public hearing and formulate a final report for submission to City Council with a recommendation that the City Council adopt an ordinance incorporating the proposed amendments. The City Council will then hold a public hearing regarding the final report.