



RICHMOND

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Planning & Zoning Commission Workshop Meeting Minutes

City Commission Room | 600 Morton Street, Richmond, Texas 77469

Tuesday, September 17, 2019, at 5:00 P.M.

The Planning and Zoning Commission for the City of Richmond, Texas met for a special meeting workshop on Tuesday, September 17, 2019 at 5:00 p.m. Chairman Pittman, called the meeting to order at 5:01 p.m. A quorum was present, with the following members in attendance:

Larry Pittman (Chair)
Katherine M. Graeber-Kubelka (Vice Chair)
Noell Myska

Staff in attendance: Jose Abraham, Planning Director; Mason Garcia, Associate Planner; Jordan Adams, GIS Specialist; Gary Smith, City Attorney;

Others: Barry Beard, City Commissioner.

Commissioner Pittman introduced agenda A2, public comments and asked if there were any public comments. Hearing no public comment, the agenda item was closed.

Commissioner Pittman introduced agenda item B1., discuss proposed text amendment to Section 6.1.107.B. "Manufactured Home Park Standards," of the Unified Development Code (UDC), to conform to the provisions of Section 211.019, Texas Local Government Code relating to manufactured homes, manufactured home communities, and the continuation of land use. Jose Abraham, Planning Director, opened the discussion with a brief history of the Unified Development Code (UDC) and impetus for the amendments. In 2015, at the time of the UDC's adoption, Section 6.1.107.B. "Nonconforming Manufactured Home Parks and RV Parks" was written to broadly protect nonconforming manufactured home parks and manufactured home lots. Mr. Abraham outlined several key concepts from the original text in the UDC, which included the following:

- Nonconforming manufactured homes could be replaced only once with a newer model of equal or greater size, after which any further replacement would result in expiration of nonconformity.
- Manufactured home/lots could lose legal nonconformity irrespective of the percentage of occupancy within nonconforming manufactured home parks.
- Replacement of manufactured homes was subject to abandonment provisions set for all nonconforming uses. Once the allotted time provisions for abandonment had lapsed, any replacement thereafter would be required to be installed in conformance with UDC standards.

The proposed UDC amendments were written to accurately reflect Senate Bill 1248, a bill passed by the Texas State Legislature which amended previous laws pertaining to municipal regulation of manufactured home parks. Effective September 1, 2017, Senate Bill 1248 amended the Texas Local Government Code to add Sections 211.018 and 214.906, which together defined manufactured home parks, and established regulations pertaining to certain qualifying nonconforming manufactured home parks. On October 15, 2018, the City Commission approved an amendment to Section 6.1.107. B. *Manufactured Home Standards* and Division 7.1.300 *Definitions* of the UDC, in order to reflect the aforementioned bills. However, Staff later discovered that the amendments were based on a draft version of the bill ultimately different from the signed legislation. This resulted in the amended language differing from the provisions of the Texas Local Government Code. Therefore, the newly proposed text amendments served only to bring the provisions of the UDC into conformance with the Texas Local Government Code, and would neither deviate from the City of Richmond's Comprehensive Plan goals or the general intent of the UDC in any manner.

Mr. Abraham curated the discussion and subsequent breakdown of Senate Bill 1248 and the proposed amendments to UDC Section 6.1.107.B. The discussion itself was open and educational in nature, with Commissioners Pittman, Commissioner Graeber-Kubelka, Commissioner Myska, City Commissioner Barry Beard, City Attorney Gary Smith, and Mr. Abraham all actively and freely contributing. Major points of discussion included:

- **The City's ability to regulate nonconforming use of any manufactured home lots within the boundaries of manufactured home communities:** Essentially, no change to the nonconforming use designation of any manufactured home lot within a manufactured home community can be required if the nonconforming use of the land constituting the manufactured home community was authorized by law, and if at least 50 percent of the manufactured home lots in the community remained physically occupied by a manufactured home as a residence. Additionally, manufactured home lots cannot be declared abandoned based on a time period that is less than 12 months.
- **Standards pertaining to the replacement of a manufactured home within a nonconforming manufacturing home park:** As written in the UDC amendment, manufactured home owners could install a new or used manufactured home or appurtenance—regardless of the size—on a manufactured home lot within a manufactured home community for which a nonconforming use was authorized by law, and provided that the manufactured home or appurtenance complied with all other state and federal laws or standards on the installation date of the manufactured home or appurtenance.
- **Floodplain compliance standards:** The Commission discussed floodplain standards pertaining to manufactured home communities. Per the UDC text amendment, any installation of a manufactured home lot located in a designated floodplain was subjected to the same prohibitions and restrictions applicable to the construction of a new single-family residence or the construction of an addition to an existing single-family residence in the same floodplain designation.

In summary, Mr. Abraham concluded the discussion by contrasting the preliminary version of Senate Bill 1248 with the version that was ultimately signed into legislation, and how the updated language influenced the proposed UDC amendments. He explained that in comparison to the preliminary version of the Senate Bill 1248, the enacted version struck a balance between protecting non-conforming manufactured home parks and a municipality's ability to bring non-conforming manufactured homes

into conformance. Mr. Smith and Mr. Abraham answered general questions from the Planning and Zoning Commissioners and City Commissioner Beard. At the end of the discussion, Mr. Abraham stated that staff intends to present the proposed UDC text amendments for the Commission's consideration at the next Planning and Zoning Commission regular meeting.

There being no further business to be brought before the Planning and Zoning Board, Commissioner Pittman adjourned the meeting at 6:15 p.m.

Approved:



Larry Pittman, Planning and Zoning Commission Chair