

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, MARCH 1ST, 2010, 6:00 P.M.
MUNICIPAL COURT ROOM

FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
AND/OR
RIVER PLACE, 733 MYSTERY HARBOR LANE
FREEPORT, TEXAS

AGENDA FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the February 16th, 2009 Council Minutes.
Pg. 235-238
5. Attending citizens and their business.
6. **Public Hearing:** The City Council and the Planning Commission of said City will conduct a joint public hearing to consider the following proposed amendments to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances thereof; (1) amend the definition of Recreational Vehicle Park contained in Section 155.002 of said ordinances to provide that, when permitted by a specific use permit, the number of recreational vehicles allowed in such park shall be specified in such permit and (2) to amend Section 155.060 (E) (1) to allow, by Specific Use Permit, a Recreational Vehicle Park in any zoning district except the R-1 and R-2 Single Family Residential Districts. Pg. 239-244
7. Consideration of approving Ordinance No. 2010-2242 amending Section 120.20 of the Code of Ordinances of said City to allow Recreational Vehicles Parks by Specific Use Permit in any zoning district except R-1 and R-2 Single-Family Residential Districts, amending the definition of Recreational Vehicle Parks contained in Section 155.002 of said Code of Ordinances to provide that, when permitted by a Specific Use Permit, the number of recreational vehicles allowed in such park shall be specified in such permit, and amending Division (E) (1) of Section 155.060 of the Code of Ordinances of said City to provide for the issuance of specific use permits for the location of Recreational Vehicle Parks in any zoning district except R-1 and R-2 Single-Family Residential Districts.
Pg. 245-254

8. Mayor McDonald recognizes the Fraternal Order of Eagles # 3111 for their contributions.
9. Mayor McDonald recognizes the Freeport League for their contributions.
10. Mayor McDonald recognizes the Freeport Host Lions Club for their contributions.
11. Mayor McDonald recognizes the Veterans of Foreign Wars, Post 4341 for their contributions to the City.
12. Acknowledge and award the participants of the City of Freeport first annual Youth Art Display.

Adjourn

NOTE: ITEMS NOT NECESSARY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code). In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours to the meetings. Please contact the City Secretary office at 979-233-3526.

I, Delia Muñoz, City Secretary, for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 W. 2nd Street, Freeport, Texas, February 26th, 2010 at or before 5:00 a.m.

Delia Munoz, City Secretary
City of Freeport, Texas

State of Texas
County of Brazoria
City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, February 16th, 2010 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council:	Larry L. McDonald	
	Clan A. Cameron	
	James W. Phillips	
	Ron Wise	
	Norma M. Garcia	
Staff:	Jeff Pynes, City Manager	
	Gilbert Arispe, Administrative Asst.	
	Wallace Shaw, City Attorney	
	Delia Munoz, City Secretary	
	Nat Hickey, Property Manager	
	Tyrone R. Morrow, Chief of Police	
Visitors:	Rosa McDonald	Susie Wise
	Loren Hayes	Annette Sanford
	Jon B. Quick	Jim Pirrung
	Michelle Kent	Larry Shaefer
	Allan Lawson	Jerry Meeks
	Melanie Oldham	Bobby Fuller
	Edna Allan	Dorrie Varnell
	Jennifer Crainer	Alonzo Martinez

Call to order.

Mayor McDonald called the meeting to order at 6:01 p.m.

Invocation.

Councilman Phillips offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the February 8th, 2010 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved the February 8th, 2010 Council Minutes

Consideration of approving a request by the Texas Port Ministry, 1103 Cherry, for two (2) recreational vehicles to be on site for security and ministry purposes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved a request by the Texas Port Ministry, 1103 Cherry Street, for two (2) recreational vehicles to be on site for security and ministry purposes.

Consideration of closing, abandoning, and selling that portion of Stratton Street right-of-way between Blocks 708 and 736 and between North Avenue F and Gulf Boulevard and directing the city attorney to prepare the documents.

Councilman Phillips suggested setting a minimum bid on property that is to be appraised. Councilman Wise said the City puts out money for getting the property appraised and if the constituents change their minds, the city loses money.

On a motion by Councilman Wise, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved to reagenda this item.

Consideration of approving Resolution No. 2010-2222 a special warranty deed conveying to Jessie Aguilar, Jr., the sale of Lots 20 and 21, Block 631, Velasco Townsite.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved Resolution No. 2010-2222 a special warranty deed conveying to Jessie Aguilar Jr., the sale of Block 631, Lots 20 and 21, Velasco Townsite.

Consideration of the approving Resolution No. 2010-2223 granting a license to use a 8 x 20 feet area in the alley right of way on parts of Lots 2 and 3, Block 710 to Mark Storey, Dollar General Store for an air-condition pad.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved Resolution No. 2010-2223 granting a license to use a 8 x 20 feet area in the alley right of way on parts of Lots 2 and 3, Block 710, to Mark Storey, Dollar General Store for an air-condition pad.

Consideration of approving an agreement with TxDot to install signs at SH 288 at the intersection of Cherry Street and FM 1495 at the intersection of Fourth Street.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved an agreement with TxDot to install signs at SH 288 at the intersection of Cherry Street and FM 1495; and at the intersection of Fourth Street with no required match from the City.

Consideration of approving a request from Alonzo Martinez member of the Fraternity of Eagles Aerie # 3111 to be allowed to conduct a Spring Turkey Shoot every Sunday from Noon to 4:00 p.m. beginning on March 7th thru May 30th, 2010.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council approved a request from Alonzo Martinez, member of the Fraternity of Eagles Aerie # 3111 to be allowed to conduct a Spring Turkey Shoot every Sunday from Noon to 4:00 p.m. beginning on March 7th thru May 30th, 2010.

Consideration of approving a request from the Brazoria County Community Development Department to waive all permitting, building, and inspections fees for residential reconstruction on 607 N. Ave. B. and 1014 W. 10th Street.

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved a request from the Brazoria County Community Development to waive all permitting, building, and inspection fees for residential reconstruction on 607 N. Ave. B. and 1014 W. 10th Street.

Consideration of approving Ordinance No. 2010-2241 amending section 51.16 of the Code of Ordinances to increase the rates for water service furnished on or after March 1, 2010 to industrial facilities, offices and other commercial establishments.

On a motion by Councilman Phillips, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved Ordinance No. 2010-2241 amending Section 51.16 of the Code of Ordinances to increase the rates for water service furnished on or after March 1, 2010 to industrial facilities, offices and other commercial establishments.

Work Session:

Update by Stoney Burke, City of Freeport BWA representative regarding erosion protection at 16" waterline Dow Barge Canal in Freeport, Texas.

Mr. Stoney Burke was ill and Mr. Pynes reported to Council regarding a pipe line on FM 523 and the Dow Barge Canal. They received the Corps of Engineer permit and expect to start construction on February 22nd, 2010. There is no cost to the City. This \$30,000 project funded by the Brazosport Water Authority.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all voting "aye", the meeting adjourned. 6:25 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN [THE BELOW DESCRIBED LAND] OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.

NOTICE

A joint public hearing will be held on Monday, March 1, 2010, at 6:00 o'clock p.m., central standard time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider the following proposed amendments to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances thereof: (1) amend the definition of recreational vehicle park contained in Section 155.002 of said ordinance to provide that, when permitted by a specific use permit, the number of recreational vehicles allowed in such park shall be specified in such permit and (2) to amend Section 155.060(E)(1) to allow, by specific use permit, a recreational vehicle park in any zoning district except the R-1 and R-2 Single-family Residential Districts.

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 1st day of February , 2010.**

**Delia Munoz, City Secretary,
City of Freeport, Texas**

NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least fifteen (15) full days prior to the date of the public hearing.

CAMPER. A mobile living unit designed to be mounted upon and conveyed by another vehicle.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE. A document issued by the Building Official authorizing buildings, structures or used consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

CITY. The city of Freeport, in Brazoria County, Texas.

CLINIC, MEDICAL. An institution or station for the examination and treatment of ill and afflicted out patients.

COIN OPERATED MACHINE. A skill or pleasure machine or device, or an electronic, electromechanical, or mechanical contrivance, operated by the payment or insertion of coins, tokens, paper currency or any other consideration, that are designed, made or adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance afford or reward the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, novelties, or a representation of value redeemable for those items, having a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once or \$5, whichever is less.

COMMON AREA. An area held, designed and designated principally for the common use of the occupants of a townhouse project.

CONVALESCENT HOME. Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

CONSTRUCTION SITE BUILDING. A commercial structure that is not open to the public and that is used for any purpose at a commercial site by a person constructing a building, road, bridge, utility or other infrastructure or improvement to real property.

COURT. An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

COVERAGE OF A LOT or MAXIMUM ALLOWABLE BUILDING AREA. The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

DAY NURSERY. A place where children are left for care between the hours of 7:00 a.m. and 12:00 p.m. midnight.

DENSITY. The maximum number of family units permitted on a lot.

DETACHED STRUCTURE. Any building, accessory building or structure that is not physically attached to any other building or structure by any means.

DISTRICT or ZONING DISTRICT. A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DWELLING. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or mobile home.

DWELLING, CONVENTIONAL. A dwelling which is constructed on site so as to conform with all of the standard codes as adopted by the Code of Ordinances of the city. It includes a prefabricated home or structure as well as a structure so constructed on site at a different location and moved to a new location but does not include a manufactured home or travel trailer.

DWELLING, DUPLEX OR TWO-FAMILY. A building designed for or used exclusively for residence purposes by two families or two housekeeping units.

DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used by three or more families or housekeeping units.

DWELLING, SINGLE FAMILY. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

JUNK YARD. A yard, lot or place, containing junk as herein defined and upon which occurs one or more acts of buying, keeping, storing, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, and including any business or premises used for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storage or leaving of junked vehicles as herein defined or any other worn out or abandoned stoves, refrigerators, air conditioners, heaters or machinery or appliances of any kind, or of any of the parts thereof.

LIQUOR STORE. Any retail establishment at which liquor, as defined in Chapter One of the TEXAS ALCOHOLIC BEVERAGE CODE, is offered for sale for off premises consumption.

LOT. One piece, parcel or tract of land which collectively meets all of the following requirements at the time of filing for a Certificate of Occupancy and Compliance:

- (1) Is located within a single block;
- (2) Has frontage on an accepted and improved public street;
- (3) Is occupied or utilized or designated by its owner, owners or developer to be occupied, developed or utilized as a unit for a principal use and uses accessory thereto, together with such open spaces as are required by this chapter; and
- (4) Of which a plat has been recorded in the office of the County Clerk.

LOT. Includes the words plot or parcel.

LOT, AREA OF. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

LOT DEPTH. The mean horizontal distance between the front lot line and rear lot line of a zoning lot.

LOT LINE. A boundary of a lot.

LOT LINE, FRONT. The street right-of-way line at the front of a lot.

LOT LINE, REAR. The lot line opposite and most distant from the front.

LOT LINE, SIDE. A lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a thoroughfare other than an alley is an exterior side lot line as opposed to an interior side lot line.

MANUFACTURED HOME. A mobile home or a HUD-code manufactured home.

MAY. The act referred to is permissive.

MOBILE HOME. A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 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. The term does not include a travel trailer.

MOBILE HOME PARK. Any lot upon which are located one or more mobile homes, occupied for dwelling purposes, regardless of whether or not a charge is made for such accommodation.

MODULAR COMPONENT. A structural part of housing or building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without damage or removal and reconstruction of a part of the housing or building.

MODULAR OR INDUSTRIALIZED BUILDING. A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site and is designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed; but excluding a commercial structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof or a commercial building or structure that is installed in a manner other than on a permanent foundation and is either not open to the public or less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

MODULAR OR INDUSTRIALIZED HOUSING. A residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system; but excluding a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof, housing constructed of a sectional or panelized system that does not use a modular component, or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

MOTEL. A building or group of buildings, including either separate units or a row or rows of units which (a) contain living or sleeping accommodations primarily for transient occupancy and (b) having individual entrances.

NEW HUD-CODE MANUFACTURED HOME. One which is newly manufactured and not a used HUD-code manufactured home.

NURSING HOME. Any premises where more than three persons are lodged and furnished with meals and nursing care.

OFF-PREMISES SIGN. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which such sign is located.

ON-PREMISES SIGN. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product principally located or primarily manufactured or sold on the premises on which such sign is located.

OPEN SPACE. Area included in any side, rear or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky.

OUTSIDE SALES. The offering of goods or services for sale on any premises outside of the main building or an accessory building thereto which, in either case, is a building which conforms to the requirements of this chapter and any building or other codes of the city.

PARKING FACILITY. Private property adjacent to and usable for vehicular parking by the customers of any business the entrance to which fronts on such parking facility.

PARKING FACILITY OWNER. The owner of a parking facility as well as a lessee of such owner if such lessee is operating a business the entrance to which fronts on a parking facility.

PERMANENT FOUNDATION. A foundation having the following characteristics:

(1) The foundation and all related construction complies with the requirements of the mandatory building code adopted under the Texas Industrial Building and Housing Program;

(2) The foundation system is capable of transmitting all design loads imposed by or upon the foundation and the attached structure into soil or bedrock without failure;

(3) The structure is attached without the towing hitch, axles, brakes, wheels and other parts of the chassis that only operate during transportation;

(4) Ventilation and decay details are provided in accordance with the requirements of such code.

PERSON. Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

PLANNED UNIT DEVELOPMENT (PUD). A Planned Unit Development is a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development, and which includes street, utilities, lots or building sites and which indicates all structures and their relationship to each other and to adjacent uses and improvements, as well as open spaces. A Planned Unit Development may consist of dwelling units and detached, semi-detached, attached or multi-family structures and may also include those non-residential uses which are more specifically set out in § 155.045, and which are compatibly and harmoniously incorporated into the unitary design of the Planned Unit Development.

PRIVATE YARD. An area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

RECREATIONAL VEHICLE. 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 as defined above for purposes of this chapter.

RECREATIONAL VEHICLE PARK. A unified development of 40 or more recreational vehicle spaces arranged on a tract of land which has been zoned for such purpose.

SERVANTS QUARTERS, BONA FIDE. Living quarters located on the same lot as the main building for the family of a servant employed on the premises who receives at least 50 percent of his total income from the occupant of the main building.

SERVICE BUILDING. A structure housing toilet, lavatory and such other permanent facilities as may be permitted by the International Plumbing Code adopted by § 150.045.

SETBACK LINE. That line which is parallel to and the minimum allowable horizontal distance from a given point or line of reference, such as a lot line, to the minimum required building line.

SEXUALLY ORIENTED BUSINESS. An adult bookstore, adult theater, adult video store or other sexually oriented business as those terms are defined in Chapter 243 of the TEX. LOCAL GOVERNMENT CODE, and the decisions of the appellate courts having jurisdiction over the territory in which the city is located, and in Chapter 123 of this code. A commercial establishment may have other business purposes that are not a sexually oriented business or related to a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a **SEXUALLY ORIENTED BUSINESS** so long as one of its business purposes is a sexually oriented business.

SHALL. The act referred to is mandatory.

SIGN. Any outdoor display, design, pictorial or other representation that is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner so that the same shall be used for advertising or the visual dissemination of any information, symbol or picture in any manner whatsoever. The term **SIGN** shall include the sign structure.

SIGN, AREA OF. The total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

SPACE. A plot of ground within a mobile home park or a recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, respectively, together with such open space as is required by § 155.035.

STORY. That portion of a building included between the surface of any floor and the ceiling next above it.

STREET. Any thoroughfare other than an alley.

STREET LINE. A dividing line between a street and an abutting lot, tract or parcel of land.

STRUCTURAL ALTERATIONS. Any change in the structural members of a building, such as walls, columns, beams or girders.

STRUCTURE. Anything constructed, the use of which required permanent location on the ground or attachment to something having a permanent location on the ground.

TOWNHOUSE. A single family dwelling unit structure separated by a non-load bearing masonry wall having a minimum of a four hour fire rating which extends a minimum of 18 inches above the highest peak of the roofs which fire wall abuts a single family dwelling unit townhouse.

TOWNHOUSE GROUP. Four to ten contiguous townhouses connected by common fire walls required under the definitions of **TOWNHOUSE**.

TOWNHOUSE PROJECT. A townhouse development or plan which is submitted and approved by a single special permit.

TRAVEL TRAILER. 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. The basic entities are recreational vehicles, camping trailers, truck campers and motor homes but it does not include a manufactured home as herein defined.

UNIT or DWELLING UNIT. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

USED or OCCUPIED. Include the words intended, designed or arranged to be used or occupied.

USED HUD-CODE MANUFACTURED HOME. One which has been previously owned by a person or entity other than the manufacturer thereof or its authorized representative.

WELDING. The term **WELDING** includes and is included in the terms **FABRICATION**, **ASSEMBLY** and/or **REPAIR** when such terms are used in connection with metal products.

YARD. An open, unoccupied space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.

YARD, FRONT. An open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines and being the minimum distance between the street line and the main building.

(C) See § 155.060(D) and (E) for temporary use permits that may be granted by the Board of Adjustment and specific use permits that may be recommended by the City Planning Commission within the C-3 District under certain circumstances and conditions.

(2) If the Building Official shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature

(D) Permitted used and parking requirements.

<u>C-3 Permitted Uses</u>	<u>Parking Ratio</u>
Any use permitted in the M-1 District except those which are also permitted in the C-1 or C-2 District or any of the residential zoning districts.	See § 155.037(D) and § 155.038(D)

(E) Other required conditions.

(1) Site plan. A site plan shall be submitted to and approved by the Building Official prior to the issuance of a certificate of Occupancy and compliance.

(2) Floor area. The total floor area of any building or buildings on a lot in the C-3 District shall not exceed the number of square feet in the lot. (Ord. 2005-2077, passed 3-21-05)

ADMINISTRATION AND ENFORCEMENT

§ 155.060 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND COMPLIANCE, TEMPORARY USE PERMITS AND SPECIFIC USE PERMITS.

(A) *Administration and enforcement.*

(1) A Building Official shall administer and enforce this chapter. He may be provided with the assistance of such other persons as the City Manager may direct.

ORDINANCE NO. 2010-2242

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING SECTION 120.20 OF THE CODE OF ORDINANCES OF SAID CITY TO ALLOW RECREATIONAL VEHICLE PARKS BY SPECIFIC USE PERMIT IN ANY ZONING DISTRICT EXCEPT R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS, AMENDING THE DEFINITION OF RECREATIONAL VEHICLE PARK CONTAINED IN SECTION 155.002 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE THAT, WHEN PERMITTED BY A SPECIFIC USE PERMIT, THE NUMBER OF RECREATIONAL VEHICLES ALLOWED IN SUCH PARK SHALL BE SPECIFIED IN SUCH PERMIT, AND AMENDING DIVISION (E) (1) OF SECTION 155.060 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE FOR THE ISSUANCE OF SPECIFIC USE PERMITS FOR THE LOCATION OF RECREATIONAL VEHICLE PARKS IN ANY ZONING DISTRICT EXCEPT R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 155.999 OF SAID CODE OF ORDINANCE AND THAT EACH DAY ANY SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas ("the City"), is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and is necessary to conform the comprehensive zoning plan of the City to the current zoning conditions which exist therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City makes the following findings of fact and conclusions of law, viz:

First, that the public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Texas Local Government Code, and the present Comprehensive Zoning Ordinance of the City, codified as Chapter 155 of the Code of Ordinances of the City, have been conducted in the manner and at the time required.

Second, that not less than fifteen (15) days prior to the date of such hearings, public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearings.

Third, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the changes in the comprehensive zoning ordinance of the City set forth below are necessary to conform the comprehensive zoning plan of the City to the current zoning conditions which exist therein.

Fourth, that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the adoption of this ordinance making the change in zoning uses and the other regulations hereinafter mentioned.

SECTION TWO-SECTION 120.20 OF CODE OF ORDINANCES AMENDED

Section 120.20 of the Code of Ordinances of the City is hereby amended to read as follows:

"Recreational vehicle parks may only be located in a recreational vehicle park zoning district, as defined in Chapter 155 of this Code; or, by specific use permit, in any zoning district except an R-1 or R-2 single-family residential district."

SECTION THREE--Comprehensive Zoning Ordinance Amended

The Comprehensive Zoning Ordinance of the City, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, now codified as Chapter 155 of the Code of Ordinances thereof and hereinafter called "the Zoning Ordinance," is hereby amended as follows:

First, the definition of a recreational vehicle park contained in Section 155.002 of the Code of Ordinances of the City is hereby amended to read as follows:

"RECREATIONAL VEHICLE PARK. A unified development of 40 or more recreational vehicles spaces arranged on a tract of land which has been zoned for such purposes. Provided, however, when a specific use permit is granted for the location of a recreational vehicle park on land not zoned for such purpose, the number of recreational vehicles allowed in such park shall be specified in such permit."

Second, Division (E) (1) of Section 155.060 of the Code of Ordinances of the City is hereby amended to add thereto the following:

<u>Parking Ratio</u>	<u>Specific Use</u>	<u>District</u>
1/space	Recreational vehicle park	in any district except R-1 or R-2

Second, Section 155.060 of the Code of Ordinances of the City is hereby amended to add thereto to the following new division:

"(H) All recreational vehicle parks for which a specific use permit has been granted shall be operated in compliance with all of the terms and conditions of Sections 120.20 through 120.26 of this Code."

SECTION FOUR--Ratification and Confirmation.

The City Council of the City of Freeport, Texas, hereby ratifies and confirms any and all action taken by the Planning Commission of said City or the City Council of said City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and the Zoning Ordinance, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and the Zoning Ordinance.

SECTION FIVE--Penalty

Any person violating the Zoning Ordinance, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 155.999 of said ordinance; and each day such violation continues shall constitute a separate offense.

SECTION SIX--Savings Clauses

(a) Nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

(b) This ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

(c) No offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

SECTION SEVEN--Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION EIGHT--Effective Date.

This ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this _____ day of _____, 2010.

Larry McDonald, Sr., Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney
City of Freeport, Texas

C\Freeport.Zon\RV Park By SUP-Ord

CHAPTER 120: RECREATIONAL VEHICLES

Section

individual recreational vehicle spaces or auxiliary buildings in a recreational vehicle park.

General Provisions

- 120.01 Definitions
- 120.02 Parking on streets
- 120.03 Recreational vehicles outside licensed park
- 120.04 Tie-down requirements

DRIVEWAY. A minor entrance-way off the common access route within the recreational vehicle park or from a public street into an off-street parking area serving one or more recreational vehicle spaces.

HUD-CODE MANUFACTURED HOME. As defined in § 152.01.

Recreational Vehicle Parks

- 120.20 Location of parks
- 120.21 License issuance; fee
- 120.22 Transfer of license; fee
- 120.23 Appeal from denial of license
- 120.24 Maintenance and operation of parks
- 120.25 Inspection of parks
- 120.26 Violation; suspension; appeal

INTERNAL STREET. Same as **COMMON ACCESS ROUTE**.

LICENSEE. Any person licensed to operate and maintain a recreational vehicle park under the provisions of this chapter.

MOBILE HOME. As defined in § 152.01 of this code.

Cross-reference:

Mobile homes and mobile home parks, see Ch. 152
Parks and recreation, see Ch. 98

MOBILE HOME PARK. As defined in § 152.01 of this code.

OCCUPANT. Any person who occupies a recreational vehicle which is located in a recreational vehicle park.

GENERAL PROVISIONS

§ 120.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. Any person authorized by the licensee of a mobile home park or a recreational vehicle park to operate or maintain such park under the provisions of this chapter.

COMMON ACCESS ROUTE. A private way which affords the principal means of access to

PARKING AREA, OFF-STREET. A common area within a recreational vehicle park for the parking of the automobiles or other small vehicles of visitors and the temporary storage of trailered boats belonging to those having recreational vehicles parked in such park the dimensions of which are at least 150 square feet for each recreational vehicle space within such park.

PARKING SPACE, OFF-STREET. A space for the parking of automobiles or other small vehicles having a minimum width of nine feet and a minimum length of 20 feet, which is located within the boundaries of a recreational vehicle space or a

common parking and storage area and which in either case has an unobstructed access to an internal street.

PLOT PLAN. A graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation to each use to that adjoining and to the boundary of the property.

RECREATIONAL VEHICLE. 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 chapter.

RECREATIONAL VEHICLE PARK. A unified development of 40 or more recreational vehicle spaces arranged on a tract of land which has been zoned for such purpose.

SERVICE BUILDING. A structure housing toilet, lavatory, and such other facilities as required by this chapter.

SITE PLAN. Same as **PLOT PLAN**.

ZONING CODE. The comprehensive zoning ordinance of the city, read, passed, and adopted as Ordinance No. 1100, and all amendments thereto. (Ord. 1760, passed 4-4-93; Am. Ord. 1839, passed 9-8-98)

Cross-reference:

Mobile homes and mobile home parks; definitions, see § 152.01
Zoning code, see Ch. 155

§ 120.02 PARKING ON STREETS.

(A) No person shall park any recreational vehicle over 20 feet in length upon any street in the city for a longer period than four hours.

(B) Any recreational vehicle over 20 feet in length parked on any street shall be parked to and within six inches of the right side of the curb and off the main-traveled portion of such street and facing in the direction in which traffic is designated to travel on the side of the roadway on which it is parked.

(Ord. 1760, passed 4-4-93) Penalty, see § 10.99

Cross-reference:

Parking of vehicles exceeding 25 feet, see § 72.13

§ 120.03 RECREATIONAL VEHICLES OUTSIDE LICENSED PARK.

(A) It shall be unlawful for any person to locate or maintain any recreational vehicle on any private premises or any public premises (other than a public street as provided above in § 120.02 of this chapter) within the corporate limits of the city outside of a licensed recreational vehicle park.

(B) It shall be an exception to the application of the provisions of Division (A) of this section if the recreational vehicle in question is:

(1) Not connected to the water or sanitary sewer system serving the premises on which it is located and is not being occupied as a dwelling whether or not it is so connected; or

(2) Is located in a licensed mobile home park which was in existence on the effective date of this chapter if at least 50% of the mobile home spaces located in such mobile home park are occupied by mobile homes; or,

(3) Is temporarily placed on premises located in a zoning district other than a residential zoning district; and the City Council, upon written

application therefor filed with the City Council, giving the name and address of the applicant, a description of the premises upon which the recreational vehicle is to be located and the purpose for which such recreational vehicle is to be used, has granted permission for such recreational vehicle to be so placed for a specified time, taking in to consideration the necessity for such recreational vehicle to be so placed, the appropriateness of the location, the availability of water and sewer service to which such recreational vehicle shall be connected while so located, the fee which should be charged the applicant and other factors deemed relevant by the City Council. Provided, however, such permit shall not be issued by the City Secretary until the fee designated by the City Council has been paid by the applicant.

(Ord. 1760, passed 4-4-93; Am. Ord. 1813, passed 5-19-97) Penalty, see § 10.99

§ 120.04 TIE-DOWN REQUIREMENTS.

Recreational vehicles must be removed from the corporate limits of the city during United States Weather Center hurricane warning or alert periods or, if left within the city, shall be tied down in the manner specified for mobile homes in § 152.06 of this code or stored securely in a permanent building

which meets all the requirements of the applicable standard codes included in this code of ordinances. (Ord. 1760, passed 4-4-93) Penalty, see § 10.99

Cross-reference:

Anchorage; tie down requirements, see § 152.06

RECREATIONAL VEHICLE PARKS

§ 120.20 LOCATION OF PARKS.

Recreational vehicle parks may only be located in a recreational vehicle park zoning district as defined in the zoning code.

(Ord. 1760, passed 4-4-93) Penalty, see § 10.99

§ 120.21 LICENSE ISSUANCE; FEE.

(A) *License required.* It shall be unlawful for any person to operate a recreational vehicle park within the corporate limits of the city unless such person holds a valid license issued in the name of such person for a specific park.

(B) *Application for original license.*

(1) All original applications for an original license to operate a recreational vehicle park in the city shall be on forms furnished by the city, shall be signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the matters contained in the application and accompanied by the annual license fee mentioned below. The application shall contain the following:

(a) The name and address of the applicant and, if the applicant is not the owner of the premises on which the park is located, the name and address of the owner with a copy of a lease to the applicant from the owner being attached.

(b) The legal description, street address, and zoning classification of the park.

(c) A site plan of the park showing all recreational vehicle spaces, structures, streets, driveways, walkways and other service facilities and such other information as the Building Official may reasonably require to establish that the park has been constructed, altered, or expanded according to the permit issued therefor.

(2) If the applicant is not the owner, the applicant must be a lessee of the owner pursuant to a written lease having a remaining term (including any provisions for renewal and extension of such lease) of not less than the term for which the license will be issued.

(3) The Building Official shall grant such application and issue an original license to operate a recreational vehicle park to the applicant unless he finds the information contained in such application to be inaccurate. The original license shall expire on January 2 of the calendar year next following the year in which it is issued.

(C) *Application for license renewal.* An application to renew a license to operate a recreational vehicle park in the city shall be made on forms furnished by the city, shall be signed by the licensee, shall contain such information as the Building Official may reasonably require to gather information reflecting any change in the information required in the original application or last filed renewal application and shall be accompanied by an affidavit of the applicant as to the truth of the matters contained in the application and the annual license fee mentioned below. If the applicant is not the owner, the applicant must be a lessee of the owner pursuant to a written lease having a remaining term (including any provisions for renewal and extension of such lease) of not less than the term for which the license will be renewed. The Building Official shall grant such application unless the information contained therein is inaccurate or unless the Building Official believes that the licensee committed or allowed any violation of the provision of this chapter applicable to such park to occur which has not been corrected. A license which has been suspended pursuant to § 120.26 may not be renewed during the period for which it was suspended.