

ORDINANCE NO. 23-01

AN ORDINANCE AMENDING SECTION 46 OF THE CITY CODE OF ORDINANCES REGULATING THE PARKING AND LOCATING OF RECREATIONAL VEHICLES IN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; SETTING AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION OF ORDINANCE.

WHEREAS, Section 211 of the Texas Local Government allows city to establish land use zoning regulations for the purpose promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the city council has adopted Chapter 46 establishing the Zoning Code for the city; and

WHEREAS, the city council finds that it is in the interest of public health, safety and welfare to establish regulations for the locating of recreational vehicles as a permanent residential dwelling within the city limits.

NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LYTLE, THAT:

SECTION 1. AMENDMENTS.

- A. Chapter 46, Article 1, Section 46-1 “Definitions.” of the Code of Ordinance is appended to include the following:

Recreational vehicle or “RV” means a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck or passenger vehicle; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- B. The following provision is appended to the Code of Ordinances as Chapter 46, Article 1, Section 46-168 “Recreation Vehicles”:

Section 46-168. – Recreation Vehicles

1. Except as provided in Paragraph 3 of this section, it is prohibited to locate a Recreational Vehicle for use as a residential dwelling unit (to include home occupations), commercial office or business in an R-1 Single Family District; R-2 Duplex and Apartment District;

and R-3 Manufactured Home. Except as provided in Paragraph 3 of this section, it is prohibited to located a Recreational Vehicle as a commercial office or business District; B-1 Neighborhood Business District; B-2 Secondary Business District; B-3 Central Business, Industrial District or a municipal park.

(a) This section does not prohibit the parking of Recreational Vehicles on land located in an R-1 Single Family District; R-2 Duplex and Apartment District; and R-3 Manufactured Home District. Provided however, it is unlawful to park or to allow the Recreational Vehicle to be parked at any time in the side yard or front yard setbacks, as defined in Article V of this Code, or in any area between the property line of the lot and the curb line or the edge of the adjacent street within any of the residential districts listed in this subsection (a). Recreational Vehicles may be parked only in permissible areas of the lot or parcel with all wheels on and may not be connected, directly or indirectly, to municipal water and waste water systems and/or on-site water wells and septic systems.

(b) This section does not prohibit the storage and parking of Recreational Vehicles for the retail or wholesale sale of Recreational Vehicles as may be permitted on land located in B-2 Secondary Business District; B-3 Central Business, or Industrial District. Provided however, a Recreational Vehicle may not be used as an office, restaurant, retail store and/or other commercial use.

2. Recreational Vehicle Parking. It shall be unlawful for any person owning or having control of a Recreational Vehicle, to park in front of any lot or parcel located in an R-1 Single Family District; R-2 Duplex and Apartment District; and R-3 Manufactured Home District; B-1 Neighborhood Business District; B-3 Central Business, or Industrial District at all times. This section shall not apply to the parking of Recreation Vehicles for such time as is actually necessary to load or unload passengers, freight or merchandise and areas designated for parking of oversized vehicles, including Recreational Vehicles.

3. RV Temporary Use Permit. Persons desiring to temporarily locate and use a recreational vehicle as a dwelling or office in an R-1 Single Family District; R-2 Duplex and Apartment District; R-3 Manufactured Home District; B-1 Neighborhood Business District; B-2 Secondary Business District; B-3 Central Business District; Industrial District or a municipal park may apply with the City Secretary for the temporary use of a recreational vehicle as follows:

(a) The application must include a sworn statement by applicant as to the truthfulness of the information provided and specify the requested time period for temporary use of the recreational vehicle, vehicle registration, proof of liability insurance, other identifying information (e.g., license plate, vehicle make and model, etc.) and comply with the application and procedures promulgated by the city administrator.

(b) The application must be accompanied the application fee of \$25.00.

(c) Following receipt of a completed application and payment of the permit fee, the City Secretary will issue a temporary use permit to applicant allowing for temporary use the recreational vehicle.

(d) The temporary use permit must be displayed on the windshield or driver's window or exterior door so that it is visible from the exterior of the vehicle.

(e) The temporary use permit may not exceed a period of more than 30 days. A recreational vehicle is eligible for up to two additional temporary use permits for over a 12-month period. An applicant seeking additional temporary use permits for a recreational vehicle may appeal to the city council which may grant applicant an additional temporary use permit upon applicant's showing that requested permit is necessary to avoid undue hardship.

(f) The applicant shall promptly remove the recreational vehicle upon expiration of the temporary use permit. Failure to promptly remove the recreational vehicle will be a violation of this Article.

City may terminate the temporary use permit in the event permittee violates any condition of the permit and/or the recreational vehicle is a public nuisance or poses a danger to human health or property.

4. Penalty and Enforcement. Each violation of this ordinance shall be punished by a penalty of a fine of not less than \$10.00 or more than \$500.00 for each offense. Each day a person is in violation of this ordinance shall constitute a separate offense.

(a) The authority to enforce the provisions of this section shall be vested in the police department and with the city's code compliance department.

(b) For purposes of this section, proof that the vehicle was, at the time of the offense alleged, owned by the person charged with the offense, shall constitute prima facie evidence that the vehicle was parked or left standing at the place charged by the owner; but the owner shall have the right to introduce evidence to show that the vehicle was not parked by him as charged in the complaint.

(c) Nothing contained in this ordinance shall be construed to prohibit the city from enforcing this ordinance through civil court actions, including, but not limited to a temporary restraining order, a temporary injunction and a permanent injunction.

SECTION 2. REMAINDER UNCHANGED. The remainder of Chapter 10, Article 10.03.044 shall remain unchanged by this Amendment.

SECTION 3. INCORPORATION OF RECITALS. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

SECTION 4. REPEALER. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective upon the adoption of this ordinance.

SECTION 7. CODE OF ORDINANCES. It is the intention of the City Council of the City of Lytle that this ordinance shall become a part of the Code of Ordinances of the City of Lytle and may be renumbered and codified therein accordingly.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS, THIS 27th DAY OF February 2023.



Ruben Gonzalez
Mayor

ATTEST:



Paola L. Rios
City Secretary

