



JOINT PUBLIC HEARING

Rockport City Council
and
Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, October 19, 2021, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider amendments to the City of Rockport Code of Ordinances Chapter 118 *Zoning*, related to Recreational Vehicle Parks including but not limited to the creation of a new zoning district and special conditions for developing Recreational Vehicle Parks. For more information and a full list of the proposed amendments please visit the City's website at www.cityofrockport.com

The meeting will be held in person with social distancing guidelines and using the video conferencing application ZOOM. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting. **Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission and City Council. Members of the public can participate in the meeting remotely by using the ZOOM address that will be provided on the City Council Agenda of October 19, 2021 and posted on the City's website www.cityofrockport.com.**

Public participation is valued and citizens wishing to express their views during the Joint Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at this Joint Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125.

POSTED the 27th day of September 2021, on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

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CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

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Recreational Vehicle Park Ordinance

Draft Date: September 24, 2021

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40 **Introduction**

41
42 All text which is red with underline denotes an addition of new text. All text which is ~~red with~~
43 ~~strikethrough~~ denotes removal of existing text. Black text denotes existing unchanged text. Any existing
44 text which has been omitted shall be considered unchanged. Section headings and italicized text under
45 headings is for document organization and reference only and is not intended to be adopted or codified.
46

47 **Modifications to Definitions**

48 *(The following is text modifying definitions in Sec.118-3 for Manufactured Home Park, RV, and RV Park)*

49 Sec. 118-3. Definitions.

50 *Manufactured Home Park.* A parcel or contiguous parcels of land divided into two or more
51 manufactured home spaces and available on a rental basis. ~~May coexist with a Recreational Vehicle~~
52 ~~Park.~~

53 ~~Recreational Vehicle. Abbr. RV. A vehicle which is built on a single chassis; is four hundred (400) square~~
54 ~~feet or less when measured at the largest horizontal projection; is designed to be self-propelled or~~
55 ~~permanently towable by a light duty vehicle; and is designed primarily not for use as a permanent~~
56 ~~dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.~~

57 *Recreational Vehicle. Abbr. RV. A vehicular unit, which is designed for living or sleeping and/or*
58 *recreational purposes and equipped with wheels which is either self-propelled, mounted on, or pulled*
59 *by another vehicle. Examples include but are not limited to a travel trailer, pop-up camper, truck*
60 *camper, fifth-wheel trailer, class A motor home, class B motor home, or class C motor home.*

61 *Recreational Vehicle Park. Abbr. RV park.* A parcel or contiguous parcels of land divided into two or more
62 recreational vehicle spaces and available on a rental basis. ~~May coexist with a Manufactured Home Park.~~

63 *Substantial Damage.* Damage of any origin sustained by a structure whereby the cost of restoring the
64 structure to its condition before damaged would equal or exceed 50 percent of the value of the
65 structure before the damage occurred. Value of the structure shall be determined by the most recent
66 Aransas County Appraisal District tax appraised value or independent property appraisal submitted by
67 the property owner, whichever is greater.

74 **Establishing the Recreational Vehicle Park District**

75 *(The following is text establishing the RV Park District)*

76
77 Sec. 118-4. Districts and general provisions.

78
79 4.1 Districts Established. Zoning districts as herein set forth are established. The city is hereby divided
80 into the following districts:

81
R-1 1st Single-Family Dwelling District
R-2 2nd Single-Family Dwelling District

R-2B	Zero Lot Line Single-Family District
R-2M	Manufactured Housing District
R-3	Duplex Dwelling District
R-4	1st Multi-Family Dwelling District
R-5	2nd Multi-Family Dwelling District
R-6	Hotel/Motel District
R-7	Residential and Office District
<u>R-8</u>	<u>Recreational Vehicle Park District</u>
B-1	General Business District
B-2	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P.U.D.	Planned Unit Development District

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Reindexing Zoning District Codification

(The following is text for reindexing the section numbering for all the zoning districts to allow all zoning districts to be adjacent to each other when codified into the code of ordinances.)

Sec.118-6.1 R-1 1st Single-Family Dwelling District

Sec.118-6.2 R-2 2nd Single-Family Dwelling District

Sec.118-6.3 R-2B Zero Lot Line Single-Family District

Sec.118-6.4 R-2M Manufactured Housing District

Sec.118-6.5 R-3 Duplex Dwelling District

Sec.118-6.6 R-4 1st Multi-Family Dwelling District

Sec.118-6.7 R-5 2nd Multi-Family Dwelling District

Sec.118-6.8 R-6 Hotel/Motel District

Sec.118-6.9 R-7 Residential and Office District

Sec.118-6.10 R-8 Recreational Vehicle Park District

Sec.118-6.11 B-1 General Business District

Sec.118-6.12 B-2 Central Business District

Sec.118-6.13 I-1 Light Industrial District

Sec.118-6.14 I-2 Heavy Industrial District

Sec.118-6.15 P.U.D. Planned Unit Development District

Sec.118-7 through 118-19 Reserved.

Recreational Vehicle Park District Regulations

(The following is text for creating the new district base regulations)

Sec. 118-6.10 Recreational Vehicle Park District (R-8)

10.1 Use Regulations. The purpose of this district is to provide for recreational vehicle parks and associated uses. Land and premises may be used only for:

1. Recreational Vehicle Parks

112 2. Restaurants, cafes, food catering services.
 113 3. Offices, banks, libraries, museums, etc.
 114 4. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed
 115 to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
 116 5. Bed and breakfast.
 117 6. Religious, educational, and philanthropic institutions.
 118 7. Public parks, public buildings (except detention centers, penal and mental institutions).
 119 8. Golf courses and golf clubs, but no commercial miniature courses or driving ranges.

120
 121 **10.2 Area and Yard Regulations.**

122
 123 **10.2.1 Area of the Lot.** The minimum area of the lot shall be 4 acres.

124
 125 **10.2.2 Width of the Lot.** The minimum width of the lot shall be fifty (50) feet.

126
 127 **10.2.4 Yard Area and Building Setbacks.** See table 20.

128
 129 **10.3 Height of the Building.** No building shall exceed thirty-five (35) feet in height. See Article 3 *Definitions*
 130 and Article 20 *District area, yard, and height regulations.*

131
 132 **10.4 Parking Regulations.** Parking Regulations for permitted uses are contained in Article 21 [section 118-
 133 21].

134
 135 **10.5 Accessory Use Regulations.** Accessory uses, which are auxiliary or incidental to the primary used of a
 136 building or premises, as contained in Article 22.

137 **Adding RV Park District to Lot Dimensions Table**

(The following text is for adding the new RV Park District to the lot dimensions and setbacks table)

141 Table 20
 142 (Refer to Exceptions enumerated in Article 20 [section 118-20])

Areas & Densities	R-1	R-2	R-2B	R-2M	R-3	R-4	R-5	R-6	R-7	R-8	B-1	B-2	I-1	I-2
Lot Area Minimum (sq.ft.) – PER LOT	7000	5000	5000	5000	7000	5000	5000	5000	5000	<u>4</u> acres	n/a	n/a	n/a	n/a
Lot Area Minimum (sq.ft.) – PER DWELLING UNIT	7000	5000	5000	5000	3500	3500	2200	2200 *1	2200 *2	<u>n/a</u>	n/a	n/a	n/a	n/a
Lot Width Minimum (ft.)	50	50	50	50	50	50	50	50	50	<u>50</u>	50	n/a	n/a	n/a
Yard, minimum - FRONT	20	25	25	25	25	25	25	25	25	<u>25</u> *6	20	n/a	20	20

Yard, minimum – REAR	20	20	10	20	20	20	20	10	<u>20</u>	n/a	n/a	n/a	n/a
Yards, minimum – SIDE INTERIOR *3	5	5	10/0	5	5	5	5	5	<u>10</u>	n/a	n/a	n/a	n/a
Yards, minimum – SIDE EXTERIOR *3	15	15	15	15	15	15	15	15	<u>10</u>	n/a	n/a	n/a	n/a
Living Area (sq.ft.)	800	600	600	600	500	500	500	500 *4	500 *5	<u>n/a</u>	500	n/a	n/a
Height, Maximum (ft.)	35	35	35	35	35	35	35	45	35	<u>35</u>	45	35	45

144

145

146 Addition of Parking Requirements for RV Parks

147 *(The following text is for adding parking requirements for the RV Park Land Use)*

148

149 Sec. 21.1.1

USE	REQUIREMENT
<u>Recreational Vehicle Park</u>	<u>2 per designated RV space/slip</u>

150

151 Addition of Accessory Uses for Recreational Vehicle Park District

152 *(The following text is for establishing accessory uses for the RV Park district and any associated requirements.)*

153

154 22.1.3 In R-6 and, R-7 and R-8 Districts:

- 155 1. Any use listed above in 22.1.2, except that 1) servants/guest quarters shall not be located in the R-8 district.
- 156 2. Subordinate uses for hotels, motels and bed and breakfast establishments. Such facilities shall include but not be limited to, retail shops, restaurants, clubs and lounges, and shall be wholly or partially within the primary structure and not built or used as a detached structure or facility.
- 157 3. Piers, boat docks and related marine facilities may be detached from the main structure and are to be used only by the occupants and their guests.
- 158 4. Subordinate uses for Recreational Vehicle Parks may also include the following:
 - 159 a. Temporary boat and trailer parking for occupants only.
 - 160 b. Campgrounds.
 - 161 c. Park manager living quarters.
 - 162 d. Rental RV's and Cabins taking up no more than fifteen percent (15%) of the total gross area.

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170 22.2.2 Except, as otherwise allowed in this subsection, fences in R-1 through R-7 districts shall not
171 exceed six (6) feet in height, and fences in R-8 districts shall not exceed eight (8) feet in height. Fences
172 adjacent to city parks or public space shall not exceed eight (8) feet in height. Fences on a property
173 adjacent to business or industrial districts shall not exceed the maximums allowed for the adjacent
174 district, whichever is higher. For the purpose in this subsection, when a street right-of-way divides two
175 districts, it is considered to be a separation between the districts, and a property on one side of the
176 street is not considered adjacent to the district on the other.
177

178 **Removal of RV Parks from CUP List**

179 *(The following text is for removing RV parks from the list of specific uses that require a conditional use
180 permit.)*

181 Sec.118-23.10

182 10. ~~Recreational Vehicle/~~Manufactured Housing Parks in any district when complying with ~~recreational
183 vehicle/~~manufactured housing park standards addressed in Article 24 of this ordinance [section 118-24
184 of this Code].
185

186

187 **Modification to Manufactured Housing Parks Special Conditions**

188 *(The following text is for removing recreational vehicle references from the Manufactured Housing Parks
189 Special Conditions Sec.118-24.2.13.)*

190 24.2.13 Regulation of ~~Recreational Vehicle/~~Manufactured Housing Parks.

191 1. *General Provisions.* The following general provisions are required for the development or the
192 expansion of ~~RV/~~Manufactured Housing Parks ~~within the R-1 up through and including the R-7 zoning
193 districts.~~

194 2. Mobile Homes, as defined, are prohibited within ~~RV/~~Manufactured Housing Parks inside the city limits
195 of the City of Rockport unless such mobile home existed prior to annexation. Replacement of an existing
196 mobile home shall be with a HUD-Code Manufactured Home. Replacement of an existing HUD-Code
197 Manufactured Home shall be with a HUD-Code Manufactured Home of equal size, but not less than 320
198 square feet, or larger, and be a newer model.*

199 200 * NOTE: Newer model is defined as a manufactured home with a manufactured date being not more
201 than ten (10) years prior to the calendar year it is to be placed on the property.

202 3. Upon application, the installation of a ~~Recreational Vehicle/~~Manufactured Home Park shall be
203 permitted as determined appropriate by the City through a conditional-use permit (CUP), including a
204 Planned Unit Development (PUD) that may contain a ~~RV/~~Manufactured Home Park. An application to
205 install a HUD CODE Manufactured Home for use and occupancy as a residential dwelling is deemed
206 approved and granted unless the City denies the application in writing within forty-five (45) days from
207 receipt of the application setting forth the reason.

208 4. This section shall not affect the applicability of any deed restriction that is otherwise valid.

209 5. Specific Provisions. In addition to CUP approval, land used as a ~~RV/~~Manufactured Home Park shall be
210 developed according to the following criteria.

211 6. The above described park may include Manufactured Homes, ~~RV's/Travel Trailers and Campgrounds~~
212 ~~or any combination thereof~~. Other uses, in addition to the uses described herein, shall be conditioned or
213 amended, as the case may be, by Special Permit.

214 ~~7. Parks containing a combination of Manufactured Homes, RV's/Travel Trailers or Campgrounds must~~
215 ~~designate separate areas for each classification. No mixture of Manufactured Homes, RV's/Travel Trailers,~~
216 ~~Campgrounds or other approved uses is permitted in any designated area (Density control).~~

217 8. The manufactured housing park area shall consist of at least four (4) acres in size. The number and
218 location of external access drives shall be approved by the Zoning Administrator and the Director of Public
219 Works.

220 9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and
221 reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the
222 park shall be processed in the same manner as an original proposal.

223 10. There shall be no minimum lot/space area except that each ~~RV/~~Manufactured Housing unit shall be
224 located on each space so that there is at least twenty (20) feet unobstructed clearance between units,
225 side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent
226 permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no
227 closer than twenty (20) feet from any external access road.

228 11. Manufactured Housing ~~and RV's/Travel Trailers~~ located in the park shall be connected to city water
229 and wastewater systems if available.

230 12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of
231 sufficient width in each area to conform with the type of unit to be assigned to the area, as determined
232 by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient
233 clearance exists for one (1) car passage in addition to parking.

234 ~~13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such~~
235 ~~building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code.~~

236 ~~13 14.~~ The park shall conform to all other City of Rockport regulations and codes ~~relating to planning~~
237 ~~and zoning, building, gas, mechanical, plumbing, electrical installations and tie downs for windstorm~~
238 ~~compliance~~. All manufactured housing units unoccupied during hurricane season (June 1 to November 30)
239 must be tied down (see Building Code) ~~or removed from the park~~. Lot spaces shall be labeled with
240 numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the
241 Director of Public Works City Manager or his/her designee and shall be included in the park layout plans
242 submitted for approval.

243 ~~14 15.~~ Out-side lighting shall be in accordance with the city's Light Nuisance Ordinance.

244 **15 16.** Storage, collection and disposal of refuse shall be so conducted as to create no health hazard,
245 rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed
246 (Animal Control Ordinance).

247 **16 17.** The property owner/operator shall at all times operate the park in compliance with this ordinance
248 and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair
249 and in a clean, sanitary and orderly condition at all times.

250 **17 18.** There shall be at least one (1) recreation area which shall be accessible from all spaces. The site
251 or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area
252 of the park.

253 **18 19.** The park shall be screened from a public place or public right-of-way and adjacent occupied
254 property by a solid screening fence in accordance with subsection 22.2 of this ordinance. Planted
255 vegetation may be allowed as an alternate screening device by the Tree and Landscape Regulations
256 in Chapter 106, Rockport Code of Ordinances.

257 Recreational Vehicle Park District Special Conditions

258 *(The following is text for creating special conditions for the Recreational Vehicle Park District)*

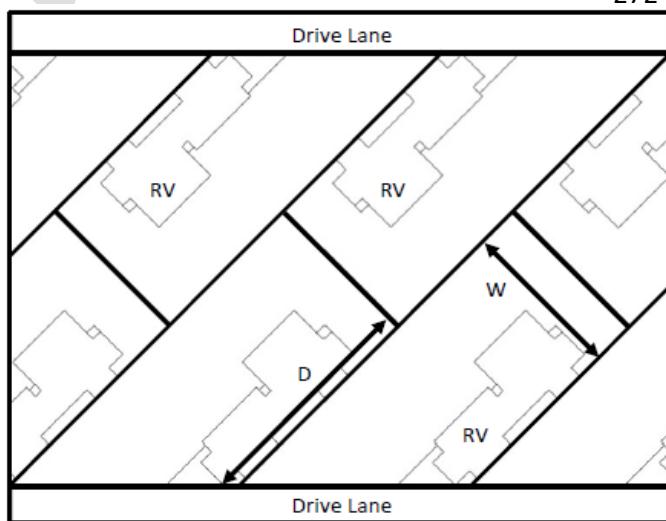
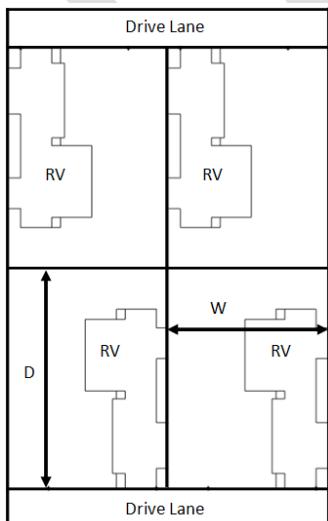
260 Sec.118.24.2.14 Regulation of Recreational Vehicle Parks

261 1. General Provisions. The following general provisions are required for the development or the
262 expansion of Recreational Vehicle Parks. Unless otherwise specified in the city's code of
263 ordinances, occupancy of recreational vehicles in the city limits is restricted to recreational vehicle
264 parks.

265 2. RV slip/space size and separation

266 a. RV slip/spaces designed as back-in which abut other back-in spaces shall be a minimum
267 of forty (40) feet wide by fifty-five (55) feet deep.

271 Back-in RV Spaces Abutting Back-in RV Spaces (Perpendicular & Angled)

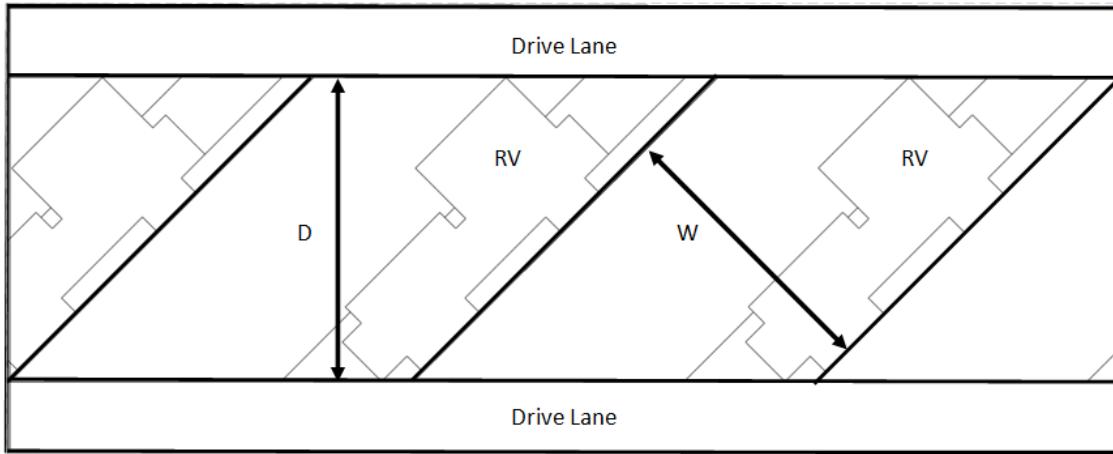
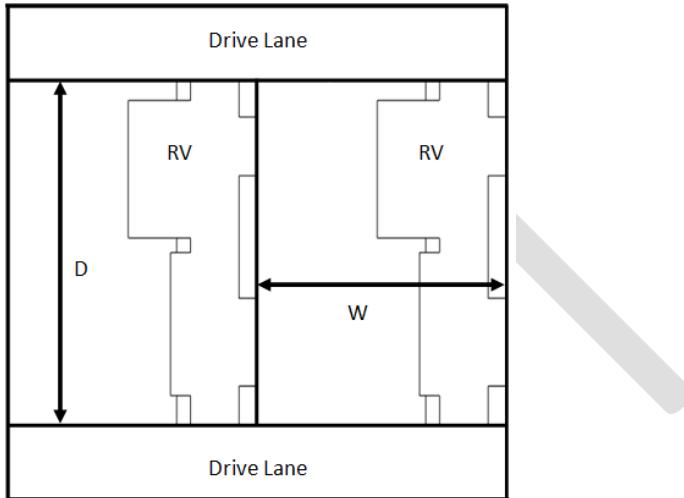


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- b. RV slip/spaces designed as back-in which abut an open space or landscape buffer shall be a minimum of forty (40) feet wide by forty-five (45) feet deep.
- c. RV slip/spaces designed as pull-thru with drive isles adjacent to both the front and rear of the space shall be a minimum of forty (40) feet wide by forty-five (45) feet deep.

Pull-thru RV Spaces (Perpendicular & Angled)



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- d. Each RV unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units side-to-side and end-to-end. Ten (10) feet of unobstructed clearance between units and adjacent permanent structures is required.
- e. No slip/space shall encroach into required minimum yard setbacks.

3. Interior Access Drives.

- a. Interior access drives shall be constructed in conformance with the paving standards in Sec.118.21.4 Paving Standards for Driveways and Parking Spaces.

- b. An interior access drive or internal street shall be provided to each RV space. Each street shall have a minimum width of twenty (20) feet. The internal streets shall be continuous and connect with other internal streets or with public streets. All dead-end interior drives shall provide a cul-de-sac or other approved turnaround at the dead-end.

4. *Parking.* The following requirements are in addition to Sec. 118-21 *Parking Regulations* of this ordinance:

- a. Parking required for each RV space shall be provided adjacent to the space or within a reasonable proximity as to prevent the occurrence of parked vehicles impeding traffic flow or emergency service access.
- b. Parallel parking along interior access drives or internal streets shall be permitted on only one side of the street for roadways with a minimum width of twenty-eight feet (28') and on both sides of the street for roadways with a minimum width of thirty-two feet (32'). Parallel parking is not permitted on roadways with a width less than twenty-eight feet (28') unless otherwise approved by the City Manager or his/her designee.

5. *Connection to City Utilities.* Cottages, Recreational Vehicles, Service Buildings, and other structures located in the park shall be connected to city water and wastewater systems, if available.

6. *Fire Hydrants.* Fire hydrants shall be required as specified by the City Manager or his/her designee and shall be included in the park layout plans submitted for approval.

7. *Addressing and Mapping.*

- a. Slips/spaces shall be labeled and maintained with numbers to augment identification by emergency service operations. Identification numbering shall be a minimum of three (3) inches tall, in a contrasting color with the background with a reflective finish, placed in a way to be plainly seen from the access road and protected from vehicular damage.
- b. To assist response by emergency services, the park shall provide a map of the park with each slip/space clearly labeled with its number. The map shall be provided to the City Manager or his/her designee and the park shall provide the City with an updated map in a timely manner whenever changes are made. The map shall be in black and white and in whatever size necessary to render a legible image but in no case shall be smaller than 8 ½ inches by 11 inches. The lower right corner shall include a title block noting the name of the park, the park's address, a contact phone number, and the revision date. The upper left corner shall include a compass rose.

8. *Conformity to Other Regulations and Codes.* The park shall conform to all other applicable City of Rockport regulations and codes.

9. *Sanitation.* Storage, collection, and disposal of refuse shall be conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution and shall be provided and buffered in accordance with the Vegetation regulation in Chapter 106, Rockport Code of Ordinances.

369
370 10. Service Buildings. A service building to provide necessary sanitation and laundry facilities shall be
371 provided. Such building(s) shall be conveniently located and shall provide fixtures as required by
372 the city adopted building codes.

373
374 11. Total Open Space Requirement. RV parks shall provide a minimum of twenty percent (20%) open
375 space of the total gross site area of the park. The minimum required open space may be inclusive
376 of the required recreational areas, landscaping buffers, and other natural or landscaped areas.

377
378 12. Recreation Area Required:

379 a. There shall be at least one (1) recreation area which shall be easily accessible to all park
380 users.

381 b. Size of Recreation Area. Not less than eight percent (8%) of the gross site area of the RV
382 park shall be devoted to recreational facilities, generally provided in a central location.
383 In large parks, this may be decentralized. Recreation areas include space for community
384 recreation buildings and facilities including but not limited to play fields, sports courts,
385 playgrounds, and swimming pools, but not including vehicle parking areas.

386
387 13. Screening & Buffering. The following requirements are in addition to regulations in Sec. 118-22.2
388 Fence Regulations and Chapter 106 Vegetation of the Rockport Code of Ordinances:

389 a. The park shall be screened from the public right-of-way and adjacent residentially zoned
390 property by a solid screening wall comprised of a durable low-maintenance material
391 traditionally used in wall construction, including but not limited to stone, masonry
392 products, and pre-cast concrete. Corrugated and sheet metal as well as vinyl, wood, or
393 other similar materials are not considered low-maintenance materials for screening wall
394 construction.

395 b. A minimum fifteen (15) foot deep landscaping buffer shall be provided between any
396 public right-of-way and required screening wall. This buffer shall include a mixture of
397 trees, shrubs, planting beds, and other living landscaping to soften the visual impact of
398 the screening wall and enhance the street view aesthetics.

399 c. Alternative screening compliance. Where existing dense natural vegetation is preserved,
400 the City Manager or his/her designee may allow for alternative fencing and landscaping
401 design that provides for year around screening of the RV park from public rights-of-ways
402 and adjacent residentially zoned property.

403
404 14. The property owner/operator shall at all times operate the park in compliance with this ordinance
405 and shall provide adequate supervision to maintain the park, its facilities, and equipment in good
406 repair and in a clean, lawful, safe, sanitary and orderly condition.

407
408
409 **Non-conforming Use Regulations**

410 *(The following is text for revising non-conforming use regulations related to continuance of a non-
411 conforming land use and rebuilding of non-conforming buildings if damaged or destroyed)*

416

417 **Sec. 118-25. Non-conforming use regulations.**

418 25.1 *Non-Conforming Uses Regulated.* The purpose of this section is to make the Ordinance more
419 workable, legal and not impose unnecessary hardships on individuals who have established certain uses
420 before the enactment of the Zoning Ordinance. Certain privileges are accorded such uses. It is the ~~long~~
421 ~~range long-range~~ objective, however, that such uses will ultimately be eliminated by attrition or other
422 means.

423 25.1.1 *Non-Conforming Uses Established.* The lawful use of land or a building existing at the time of
424 passage of this Ordinance or any amendment thereto may be continued, although such use does not
425 conform to all the provisions of this Ordinance, except as hereinafter provided. Non-conforming lots of
426 record existing at the time of the adoption of this ordinance and lots or parcels created as a result of
427 condemnation or involuntary sale by owner to a government entity with the power of eminent domain
428 shall be exempt, unless indicated, from the minimum lot area and width requirements provided they are
429 developed in accordance with all minimum yard areas as required in Article 20 [[section 118-20](#)] of this
430 document.

431 25.1.2 *Non-Conforming Uses May be Changed.* A non-conforming use of a building, structure or
432 premises may be changed to another non-conforming use of the same or of a higher classification
433 provided no structural alterations are made in the building. If the use is changed to a higher
434 classification or to a conforming use, it cannot be changed back to the original non-conforming use. For
435 the purposes of this paragraph, the "same classification" means uses permitted in the same district; a
436 "higher classification" means uses in a district with a prior listing (lower density) in this Ordinance.

437 25.1.3 *Discontinuance of a Non-Conforming Use.*

438 1. If a non-conforming use of a building or premises is discontinued, the use of such building or
439 premises then must conform to the use regulation of the District in which it is located.

440 2. A non-conforming use shall be deemed "discontinued" in the following circumstances:

441

442 a. The use ceases to operate for a continuous period of 180 calendar days and the use is not
443 temporarily discontinued in conformance with Sec.118.25.13.3.;

444

445 b. Any non-conforming use that does not involve a permanent type of structure or operation
446 and that is moved from the premises

447

448 3. A non-conforming use which is temporarily discontinued due to substantial damage to the
449 building or structure in which the non-conforming use is operating, will be allowed to continue
450 and shall not be deemed discontinued provided that building permits have been issued and
451 building repair or reconstruction work has started within eighteen (18) months of the date of such
452 damage.

453

454 a. In the event of a delay in repair or reconstruction, a property owner may submit a request
455 for a six (6) month extension to the Planning & Zoning Commission. A maximum of two
456 (2) extensions, for a total of twelve (12) months, may be granted.

457

458 25.1.4 *Damage to Non-Conforming Use-Buildings and Structures.* No building or structure which has
459 been damaged by any cause whatsoever to the extent of more than ~~sixty-fifty~~ percent (~~60-50%~~) of the
460 appraised value of the building immediately prior to the damage, shall be restored except in conformity

461 with the regulations of this ordinance, ~~and all rights as a non-conforming use are terminated~~. If a
462 building or structure is damaged by less than ~~sixty-fifty~~ percent (60-50%) of appraised value, it may be
463 repaired or reconstructed and used as before the time of damage, provided that such repairs or
464 reconstruction be substantially completed within six (6) months of the date of such damage.

465 25.1.5 *Enlargement-Expansion of Non-Conforming Use, Buildings, and Structures.*

466 1. Non-Conforming Use Expansion.

467 A non-conforming use cannot be enlarged, extended, or structurally altered unless changed to a
468 conforming use.

470 2. *Expansion of Non-Conforming Structures with Conforming Uses.*

471 a. ~~Buildings, structures, or sites that do not conform to the regulations or development
472 standards in this ordinance but where the uses are deemed conforming shall not
473 increase the gross floor area or site area greater than ten percent (10%) from the date
474 when the building, structure, or site became non-conforming. The expansion of non-
475 conforming buildings, structures, or sites may be done in a similar fashion to the existing
476 building, structure, or site and deviate from current design standards of this zoning
477 ordinance without the need for a zoning variance provided that:~~

480 i. ~~The expansion is not detrimental to the public health, safety, and general
481 welfare;~~

483 ii. ~~The expansion does not increase the risk to life safety, fires, or other dangers;
484 and~~

486 iii. ~~The expansion does not violate any provisions of Chapter 50 Floods.~~

488 b. ~~The City Manager or his/her designee shall have the authority to administratively
489 determine if a proposed expansion of a non-conforming structure or site complies with
490 the above provisions.~~

492 ~~25.1.6 Existing Special Uses Not Non-Conforming. Existing uses of the types eligible for Special Permits
493 under Article 23 shall be conforming uses and shall receive a Special Permit for the existing use from the
494 Zoning Administrator upon request. A Special Permit shall be required for any enlargement or addition.~~

495 25.1.7 *Intermittent and Illegal Uses.* The occasional, intermittent, temporary, or illegal use of land or
496 buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a
497 non-conforming use on the part of a lot or tract shall not be construed to establish a non-conforming
498 use on the entire lot. Passage of this ordinance in no way legalizes uses existing at the time of its
499 adoption.

500 25.1.8 *Discontinuance of Certain Non-Conforming Uses in R Districts.* Where a premise in an R District
501 is used for open storage, such uses must be discontinued and the stored material removed within one
502 (1) year after the effective date of this Ordinance. Open storage in an R district existing beyond one (1)
503 year after the effective date of this ordinance shall be abated pursuant to Chapter 42, Rockport Code of
504 Ordinances. Open storage existing within newly annexed territory shall be deemed non-conforming and
505 shall therefore be regulated pursuant to this article.