

ORDINANCE NO. 04-21-2026-1

AN ORDINANCE OF THE CITY OF MERKEL, TEXAS AMENDING ORDINANCE NO. 0727-98, ARTICLE I "ENACTMENT AND DEFINITIONS", SECTION 2 "DEFINITIONS" BY ADDING DEFINITIONS FOR RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS AND REMOVING DEFINITIONS FOR VACATION TRAVEL TRAILER AND VACATION TRAVEL TRAILER PARK; AMENDING ARTICLE II "PERMITTED USES AND AREA REGULATIONS", SECTION 1 "PERMITTED USES" TO REFLECT THE DEFINITION CHANGES DESCRIBED ABOVE; REVISING ARTICLE II "PERMITTED USES", SECTION 5 "SPECIAL USE REGULATIONS" TO ESTABLISH CERTAIN SPECIAL REGULATIONS REGARDING THE USE AND STORAGE OF RECREATIONAL VEHICLES; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Merkel, Texas (the "City") is a general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, the City Council of the City (the "City Council") has adopted a comprehensive zoning ordinance designated as Ordinance No. 072798 (the "Zoning Ordinance") as authorized by Chapter 211 of the Texas Local Government Code;

WHEREAS, City staff has recommended that the provisions of the Zoning Ordinance addressing recreational vehicles and recreational vehicle parks be updated and clarified;

WHEREAS, specifically, City staff has recommended that outdated definitions for "vacation travel trailer" and "vacation travel trailer park" in Article I, Section 2 of the Zoning Ordinance be modernized to "recreational vehicle" and "recreational vehicle park" and that these changes be reflected in the permitted use chart in Article II, Section 1;

WHEREAS, additionally, City staff proposes that Article II, Section 5 be updated to adopt regulations prohibiting the use of recreational vehicles as residences outside of a recreational vehicle park, with certain exceptions, and to establish standards for the storage and parking of recreational vehicles;

WHEREAS, the City published notice of public hearings to receive public input regarding the changes contemplated by this Ordinance;

WHEREAS, the Planning and Zoning Commission of the City (the "Commission") held a public hearing regarding the adoption of this Ordinance on April 21, 2026 and has recommended that the City Council approve said Ordinance; and

WHEREAS, the City Council held a public hearing on April 21, 2026 and has given reasonable consideration, among other things, to the recommendation of the Commission, the compatibility of the changes proposed by this Ordinance with the City's comprehensive plan and the

Zoning Ordinance, and whether the proposed amendments contemplated by this Ordinance would result in a logical and orderly pattern of development in the City and finds that the requested zoning change should be granted.

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

I. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. Amendment. Ordinance No. 727-98, adopted on September 9, 1998 is hereby amended in the following, and all other articles, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

A. Article I "Enactment and Definitions", Section 2 "Definitions" is hereby amended to add certain definitions that are underlined, below, and to remove certain definitions, that are stricken below.

Recreational vehicle: A motor vehicle primarily designed as temporary living quarters for recreational camping or travel use. The term includes a travel trailer, camping trailer, truck camper, and motor home.

Recreational vehicle park: A lot, tract, or parcel of land, two (2) or more acres in size, upon which accommodations are provided for parking more than one recreational vehicle used or intended to be used as living, dwelling, or sleeping quarters by the day, week, month, or longer, whether or not a charge for same is made or required. A recreational vehicle park includes a development of sites, spaces, or pads for recreational vehicle transient guest use with or without community facilities and/or permitted permanent buildings.

~~*Vacation travel trailer:* A vehicular portable structure designed for a temporary or short-term occupancy for travel, recreational or vacation uses. Such vehicles shall include vacation travel trailers, pick-up campers, converted bus, tent trailer, or smaller device used for temporary portable housing.~~

~~*Vacation travel trailer park:* Any tract of land under single ownership, two (2) or more acres, where accommodation is provided for transient trailer use. One (1) mobile home is permitted in the park for residence purposes of the manager or owner of said park.~~

B. Article II "Permitted Uses and Area Regulations", Section 1 "Permitted Uses" is hereby amended in the following, with additions underlined and language being removed stricken.

	PARKING	AO	SF1	SF2	MF1	MF2	MH	C1	C2	LI	HI
CULTURAL AND RECREATIONAL USES											
Vacation travel trailer parks	1/lot	S							X	S	

<u>Recreational vehicle park</u>														
----------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--

C. Article II “Permitted Uses and Area Regulations”, Section 5 “Special Use Regulations” is hereby amended to read as follows:

SEC. 5. SPECIAL USE REGULATIONS:

5-1. Specific Use Permits: The City Council, after public hearing and proper notice to all parties affected, in accordance with the notice procedures, and after recommendation by the Planning and Zoning Commission if one is so sitting at the time, may authorize the issuance of “Specific Use Permits” for the uses indicated in ARTICLE II, SEC. 1. PERMITTED USES. The Planning and Zoning Commission, in considering and determining their recommendation, or the City Council in considering any request for a Specific Use Permit, may require from the applicant plans and/or pertinent information concerning the location, function, and characteristics of any use proposed. The City Council may, in the interest of assuring compliance with the intent and purposes of this Ordinance, establish conditions of operation with respect to any use for which a permit is authorized. In authorizing the location of any of the uses listed, the City Council may impose such reasonable development standards as the conditions and location indicated as being necessary for the protection of immediate properties in the neighborhood from noise, vibration, dust, dirt, smoke, fumes, odor, explosion, glare, waste, offensive view or other undesirable or hazardous conditions.

5-2. Planned Unit Development: When the Planning and Zoning Commission is petitioned by the owner of a tract of land comprising an area of not less than ten (10) acres for a change in zoning from an existing classification to a more intense use, or mixed uses, and whereby the provisions for off-street parking, screening walls, fences or planting and open spaces would create a protective transition between lesser and a more restricted district, the Planning and Zoning Commission may recommend to the City Council one of the following:

- (a) Recommend against the change in zoning.
- (b) Recommend a change in zoning to “PUD” for the entire tract following review and public hearing. Recommendations regarding a change in zoning to “PUD” shall be based upon review of a comprehensive site plan, building layout, requirements for the paving of streets, alleys, and sidewalks, means of ingress and egress to public streets, provisions for drainage, open space, and location of all public utilities. A planned unit development granted shall be considered as an amendment to the Zoning Ordinance as applicable to such property. In granting such change, the City Council may impose conditions (including time limits) which shall be complied with by the developer before the building or property may be used for such purposes as approved in the Planned Development Classifications.

5-3. Special Exceptions/Temporary Uses: The City Council may grant special exceptions of a temporary nature in any district, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

5-4. Use of Recreational Vehicles as Residences:

(a) Recreational vehicles may not be used as residences except in a duly permitted Recreational Vehicle Park, except as otherwise provided herein.

(b) Grandfather Clause. Recreational vehicles with an existing City utility account and direct hookup as of April 21, 2026 are exempt. No new direct water meter hookups to Recreational Vehicles will be allowed outside of Recreational vehicle parks.

(c) Temporary Use Only; Permit Required. Recreational Vehicles may be used as temporary living or sleeping quarters, if a permit for such temporary use is obtained from the City prior to the commencement of the temporary use. Recreational vehicles must be parked on the residential lot of a person being visited.

(d) Permits. An application for a temporary use permit must be submitted before the temporary use begins and must include the following information:

(i) The name and contact information of the owner of the recreational vehicle and the name and contact information of the occupant(s) of the recreational vehicle (if different than the owner);

(ii) The make and license plate number of the recreational vehicle; and

(iii) The address where the recreational vehicle will be placed for use as a residence.

Permit applications must be submitted with the fee established in the fee schedule. Permits expire seven (7) days after issuance, and may be renewed a maximum of three (3) times per calendar year.

If granted, permits must be prominently displayed in the window or on the dash of the recreational vehicle.

(e) Regulations Applicable to Temporary Use. A person with a temporary use permit must comply with the following regulations:

(i) Waste from the recreational vehicle may not be disposed of in the city's sewer system; and

(ii) The recreational vehicle must comply with the minimum standards for residential structures pursuant to City ordinance.

5-5. Storage and Parking of Recreational Vehicles:

(a) A maximum of one (1) recreational vehicle may be parked on residential property for storage only. The recreational vehicle must be placed in the rear or side yard of the residence and must be set back from any property line adjacent to another lot by a minimum of 8 feet or, alternatively, adequately screened from public view.

(b) A person owning a recreational vehicle which is lawfully stored on property pursuant to subsection (a), above, may not deposit waste from the recreational vehicle to the city's sewer system.

(c) Recreational vehicles may not be stored on property in commercial or industrial districts unless the property contains a properly permitted covered storage facility, or dealership.


III. Penalty. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two thousand dollars (\$2,000.00).

IV. Repeal. Any and all ordinances or ordinance provisions in conflict herewith are hereby repealed or amended to the extent of such conflict.

V. Severability. If any provision or any section of this ordinance shall for any reason be adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgement shall not affect or invalidate the remaining provisions or sections, which shall remain in full force and effect.

VI. Effective Date. This ordinance, being a penal ordinance, shall become effective after adoption and its publication as required by the Texas Local Government Code.

PASSED AND APPROVED this 21st day of April 2026.



Ray Cobb, Mayor

ATTEST:



Evelyn Morse, City Secretary