

# CDCA Advisory Committee Recommendation

## Agenda item: RV's and Tiny Homes

### Underlying need to address:

Circle D restrictions are silent on the regulation of these structures except for the broadly worded statement below. This broad statement allows different interpretations between the Board, the ACC, and the property owners that changes based on who is on the Board/ACC at that moment. The purpose of the Committee is to define and recommend documented rules around these items.

### Current statement: (Item #9 building and construction restrictions)

*“(9) With the written consent of the Committee, trailers, tents, or structures of a temporary character may be placed, erected, or used on any parcel as a temporary residence. The Committee may limit the time that these temporary residences may remain upon any parcel in the Subdivision.”*

### General discussion and understandings:

In reviewing the intent of the phrasing in the statement, this Committee believes the following items should be checked.

- Address definitions of terms, including
  - Define trailer and trailer types
  - Define how tiny homes are classified
  - Define permanent occupancy
  - Define occasional occupancy, personal use & duration
- Review and determine laws around RV limitations.
- Recommend restrictions that would apply.

## **Address definitions of terms**

### **Define trailer and trailer types**

#### ***Federal Code CFR24 section 2182-8 (g):***

*A recreational vehicle is a vehicle that is:*

- 1. Built on a single chassis;*
- 2. 400 Square feet or less when measured at the largest horizontal projections;*
- 3. Self-propelled or permanently towable by a light-duty truck; and*
- 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

#### ***Texas Property Code Chapter 94 (94.0001.10):***

*“Recreational vehicle” means a vehicle that is primarily designed as a temporary living quarters for recreational camping or travel use.*

### **Define how tiny homes are classified**

Tiny Homes also called “Accessory Dwelling Units (ACU)” as defined by Bastrop County:

*“Any residential structure under 400 square feet, whether on wheels or secured to a foundation. A Tiny House on wheels shall be treated as a Recreational Vehicle for purposes of these requirements. A Tiny House secured to a foundation shall be treated as a Lodging Development Unit for purposes of these requirements.”*

-LODGING DEVELOPMENT UNIT. Any structure, temporary or permanent, including a Tiny House (as defined herein), intended, or adapted, for use as residential dwellings.

A Tiny Home or ACU on wheels is considered a “Recreational Vehicle” according to the Recreational Vehicle Industry Association and the County of Bastrop are governed by much less stringent regulations (RVIA Standard) and are generally not considered suitable for permanent occupation.

A Tiny Home or ACU with Wheels removed, on a skid or some type of foundation (Pier and Beam or Concrete ) is considered suitable for permanent occupation are are subject to the same building codes and permitting requirements as a regular home.

The current restrictions (*Building and Construction Restrictions #2*) indicate that no residence can be smaller than 900 sq ft; a tiny house would not meet that minimum square footage requirement and thus precludes any tiny house from being permanently set in place. So whether a tiny house has wheels or is on skids, it is movable and is considered the same as an RV

Note: We will use the term “RV’s” to mean both Recreational Vehicles and Tiny homes for the remainder of these definitions.

## **Define permanent occupancy**

It is defined as “continuous occupancy lasting or intended to last or remain unchanged indefinitely.”

## **Define occasional occupancy, personal use & duration**

A property owner’s use of the RV should not be infringed upon, provided it is not permanent, as defined below. The property owner should have the right to use their RV while on their property or have others visiting use the RV as temporary accommodations.

Occasional occupancy should be defined as not happening for a continuous period of more than three months without notification of the CDCA and should never exceed six months. There is no fee associated with homeowners using their personal property

Note: See recommended restrictions section for committee advice on how this should be addressed.

## **Review and determine laws around RV limitations.**

The laws mentioned above cover the majority of this discussion. There are two other areas we will be attaching an addendum to this report that cover RV / mobile homes so that the Board has these for further discussions. They are listed below and pertain to ancillary areas of the RV discussion.

### *Bastrop County Infrastructure Requirements for Lodging & RV Park Developments*

We already recommended that trailer parks / RV parks be excluded from allowable businesses in the CDCA, but this law will give the ACC some guidelines that define the threshold to be described as one of these parks.

### *Texas Property Code Chapter 94-1201.003: “HUD-code manufactured home*

This code helps define Mobile homes and manufactured homes. As we know, the ACC experiences these requests for different home types; this will give them further information about them.

## Recommend restrictions:

Property owners within the Circle D Civic Association should not be restricted from the occasional use/occupancy of a Recreational Vehicle located on their property, whether by the property owner or a short-term visitor.

The Board should guide the ACC, and the ACC should adopt rules allowing the occasional unrestricted use of Recreational Vehicles located on their property.

### Suggested guidance :

1. **Occasional occupancy** use should not be defined to restrict the number of times a Recreational vehicle may be used in any particular time period. This would be up to three months, and after that, they should notify the CDCA office of the reasoning, and it should be ended within six months.
2. **Permanent occupancy** should be defined as continuous occupancy “lasting or intended to last or remain unchanged indefinitely.” It also includes any occasional occupancy longer than six months.
3. **Primary residence** should be defined as “where an individual, couple, or family resides the majority of the time and/ or is your legal address listed for tax returns, with the USPS, on your driver’s license, or your voter registration card.”
4. Occasional use of Recreational Vehicles located on an owner’s property does not require Board or ACC approval.
5. Although covered by federal and state environmental laws, It is worth noting that any homeowner using their RV’s on their property should follow correct legal processes for disposal of waste, whether connecting to their septic system or taking the RV’s offsite to dump.
6. Recreational vehicles may be connected to utilities with no restrictions.
7. Recreational vehicles may be used as a temporary residence in an emergency or significant issue with the primary residence on a property that would prohibit the current occupancy of the residence. I.e., Primary residence HVAC system failure, home flood, home fire. This should be allowed without Board or ACC approval, and no fees should be assessed.
8. Owners with multiple lots may place a Recreational Vehicle on any of their lots.
9. There is no restriction on parking an RV on the homeowner’s property, provided they are not violating any property lines or interfering with traffic visibility.
10. Recreational Vehicles may not be placed upon the property and used as a primary residence when one does not exist (excluding #6 above) without the prior written consent of the Board/ ACC as per current restrictions.
11. Recreational Vehicles may not be used as a permanent occupancy primary residence on any property.

**Bastrop County Infrastructure Requirements for Lodging & RV Park Developments:**

RECREATIONAL VEHICLE (RV) - Includes any of the following:

- a. CAMPING TRAILER - A folding structure mounted on wheels and designed for travel, recreation, and vacation use.
- b. MOTOR HOME - A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
- c. PICKUP COACH - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- d. TRAVEL TRAILER - A vehicular structure built on a chassis with body width not to exceed eight and one-half feet and body length less than 46 feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

**Texas Property Code Chapter 94-1201.003: "HUD-code manufactured home" :**

(A) means a structure:

- (i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (ii) built on a permanent chassis;
- (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (iv) transportable in one or more sections; and
- (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and

(C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).