

ORDER NO. _____

**ORDER ADOPTING REQUIREMENTS FOR LODGING AND RECREATIONAL VEHICLE DEVELOPMENTS
IN LEE COUNTY**

BE IT REMEMBERED, that the Commissioners Court of Lee County, Texas (the "Commissioners Court"), met in Regular Session on the 23rd day of November, 2020, after notice of meeting had been posted in the form, manner, and place required by law, and after a properly noticed and published PUBLIC HEARING with a quorum of its members present and participating in the meeting when, among other matters, the following came on to be considered and action taken thereon, to-wit: LEE COUNTY REQUIREMENTS FOR LODGING AND RECREATIONAL VEHICLE DEVELOPMENTS.

**LEE COUNTY REQUIREMENTS
FOR LODGING & RECREATIONAL VEHICLE PARK DEVELOPMENTS**

**SECTION I
GENERAL AUTHORITY**

1. AUTHORITY

These Regulations are and shall be deemed to be an exercise of power of the Commissioners Court, Lee County, Texas, over "county business" as conferred upon it by Article 6626a, Vernon's Annotated Codes and Statutes (V.A.C.S.), originally, and subsequently by Articles 60702-1, Article 6626aa, and Article 6626c-d, V.A.C.S., all as provided for in Article V, Section 18, Texas Constitution.

All authority specifically provided to Lee County by, or agreed to between Lee County and other local, state and/or federal agencies shall be applied to the fullest extent. Specific permitting requirements are subject to interlocal agreements relating to the extraterritorial jurisdictions between Lee County and the incorporated cities.

2. PURPOSE

The Commissioners Court of Lee County, Texas, finds that lodging & recreational vehicle park developments, as defined below, are subdivisions under Chapter 232, Texas Local Government Code. This position is upheld by Texas Attorney General Opinion GA-1007 dated May 13, 2013.

The Commissioners Court further finds that the 2020 Lee County Infrastructure Requirements for Lodging & Recreational Vehicle Park Developments herein are reasonable and necessary to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

3. ENFORCEMENT AND PENALTIES

Any violation of this policy will be enforced by available civil, criminal, or administrative remedies allowable under state law at the time that a violation occurs.

- a. Texas Local Government Code §232.005, as amended, provides for the enforcement of State subdivision laws and of these regulations.
- b. A person commits an offense if that person knowingly or intentionally violates a requirement of these Regulations. Such offense is a Class B misdemeanor.
- c. Under Texas law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, any person who assists in violating these Regulations may also face criminal penalties.
- d. At the request of the Commissioners Court, the county attorney or other prosecuting attorney for the county shall have the power to enforce these Regulations by filing an action in a court of competent jurisdiction.

4. FEE SCHEDULE

Prior to consideration and/or approval of any Development Plan for a recreational vehicle rental community or park, all applicable fees shall be paid by the Developer to Lee County and a receipt shall be included with the submittal. The fee has been established by the County to defray all costs associated with, but not limited to, the review, inspection, maintenance, and filing of Development Plan and documents associated with the development, or any part thereof. The fee for a Development Plan shall be \$500.00 plus \$20.00 per lot.

5. OTHER REGULATIONS

These requirements are not the exclusive law or regulation controlling development in Lee County. The following is only a partial list of other regulations that may apply.

- a. Lodging & Recreational Vehicle Park Developments are subject to the Lee County Subdivision and Development Rules and Regulations. All subdivisions within the Extra Territorial Jurisdiction (E.T.J.) of an incorporated city may also be subject to city subdivision regulations or County-City Interlocal Agreement. In such instances where subdivision platting authority is granted to the City under an Interlocal Agreement but the City does not regulate Lodging & Recreational Park Developments in the ETJ, the County Regulations shall apply.

- b. Developments are subject to laws and regulations of general applicability, including public health nuisances under Chapters 341 and 343 of the Texas Health and Safety Code. The Operator must address solid waste disposal, rodent/insect harboring, fly breeding and improper water and wastewater disposal in accordance with these Chapters.
- c. Other agencies with regulatory authority that may apply to Developments include, but are not limited to, Emergency Services Districts, Groundwater Districts, Texas Commission on Environmental Quality, Public Utilities Commission, United States Fish and Wildlife Service, Environmental Protection Agency, and U.S. Army Corp of Engineers.
- d. Other Lee County regulations and standards including, but not limited to, the Lee County Flood Damage Prevention Order and Lee County Driveway Standards.
- e. Issuance of a Certificate of Compliance under these requirements does not indicate compliance with regulations or requirements of other agencies or entities.

6. LEE COUNTY PERMITS REQUIRED

The following is only a partial list of other permits that may be required and is not the exclusive law or regulation controlling development in Lee County.

- a. Lee County Development Permits will be required for all permanent structures in the Development.
- b. In the event that on-site sewage facilities (OSSF) are planned, an OSSF permit from Lee County will be required if the estimated sewage flow does not exceed 5,000 gallons per day (gpd).
- c. If the Development is located off of a County Road, a Lee County Driveway Permit is required.

SECTION II DEFINITIONS AND ACRONYMS

For the purpose of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section. All other words and terms shall have their usual force and meaning.

1. CERTIFICATE OF COMPLIANCE - A certificate, from Lee County, that the Development is in compliance with the Lee County Requirements for Lodging & Recreational Vehicle Park Developments.
2. GRANDFATHERED LODGING DEVELOPMENT or RECREATIONAL VEHICLE PARK - A Lodging Development or Recreational Vehicle Park that was either in operation before the adoption of the these regulations or for which a written application for a permit was filed with Lee County before the adoption of the 2020 rules.

3. DEVELOPMENT – LODGING DEVELOPMENT, RECREATIONAL VEHICLE PARK, or COMBINED DEVELOPMENT - Any lot or tract of land designed to accommodate more than two Lodging Development Units (as defined herein), Recreational Vehicles (as defined herein), Tiny Houses (as defined herein), or combination of Lodging Development Units, Recreational Vehicles, and Tiny Houses; and which exists as a privately owned and operated enterprise, with or without charges, occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.
4. LODGING DEVELOPMENT UNIT. Any structure, temporary or permanent, including a Tiny House (as defined herein), intended, or adapted, for use as residential dwellings.
5. OPERATOR – The person in charge of operating any Manufactured Home Rental Community, Recreational Vehicle Park, either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.
6. OWNER – The person who holds title to the lot, or tract of land on which a Lodging or Recreational Vehicle Park is constructed or operated, as shown in a deed recorded in the County Clerk’s official records.
7. PERSON - An individual or a corporation, partnership, limited liability company, business trust, trust, association, or other organization, estate, or a series of a domestic limited liability company or foreign entity.
8. 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.
 - e. TINY HOUSE ON WHEELS – See definition.
9. RECREATIONAL VEHICLE PARK (RV Park) - Any lot or tract of land designed to accommodate two or more recreational vehicles, as defined, and which exist as a privately owned and operated enterprise with or without charges for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.
10. RECREATIONAL VEHICLE SPACE - A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.

11. SPACE - A plot or tract of land within a Development designed for the accommodation of one Lodging Development Unit, Recreational Vehicle, or TinyHouse.
12. STREETS AND ROADS - A public road, a private drive, or any other avenue of ingress or egress intended to provide access to all or any part a Lodging or Recreational Vehicle Park consisting of more than one space.
13. TINY HOUSE - 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.

SECTION III ADMINISTRATION

1. The Commissioners Court of Lee County shall administer these requirements and delegates the initial review process to the Lee County Permitting department.
2. The Owner of a lot or tract of land located in Lee County outside the city limits of a municipality who intends to use the land for a Lodging or Recreational Vehicle Park Development must prepare an Development Plan (DP) that complies with the minimum requirements that are set out herein.
3. The Owner of Grandfathered Lodging Development or Recreational Vehicle Park planning an expansion of the Development must prepare a Development Plan (DP) for said expansion that complies with the minimum requirements that are set out herein.
4. Prior to submitting a Lodging & Recreational Vehicle Park Development Application, a Pre- Application Meeting with Lee County Permitting Staff is REQUIRED. The owner or his designated agent should present a draft DP for general discussion of the requirements with the owner or agent.
5. Prior to beginning any construction, the owner must submit the required number of hard copies and one (1) digital copy, in PDF format, of the DP along with Lodging & Recreational Vehicle Park Development Application and required fees to Lee County Permitting. A Lodging & Recreational Vehicle Park Development Application MUST be filled out in its entirety prior to submission. Incomplete applications will not be processed and will be returned to the Applicant.
6. Once a Complete Application has been received, Lee County will conduct an Administrative Review for accuracy and completeness within 10 business days. An Administratively Complete Application will be filed with Lee County. Per Texas Local Government Code 232.0025, Lee County will complete a 30- day review. Any comments, revisions, questions, or alterations will be addressed during that review time.
7. Lee County Permitting will review and provide a recommendation for, or against, approval to Commissioners Court. Final approval, or disapproval, is by Commissioners Court. Construction may not begin before the DP is approved by Commissioners Court.

8. Upon Completion of the 30-day review, a Letter of Approval, Approval with Conditions or Disapproval will be issued to the Owner and/or Owner's authorized agent. If the DP is approved, construction may begin immediately. If the DP is rejected, the written rejection shall specify the reasons for the rejection and the actions required for approval of the DP. The failure to reject a DP within the period prescribed by this subsection constitutes approval of the DP.
9. Lee County Permitting staff, as well as any other person designated by either Lee County Permitting or the Commissioners Court, may inspect the infrastructure at any reasonable time during construction. The Owner and his agents shall not hinder such inspections.
10. On completion of construction, the Owner shall confirm in writing to the County that the infrastructure is complete, and a final inspection must be completed no later than the fifth business day after the said notice is received by the County's Permitting Department. If the Permitting Department determines that the infrastructure does not fully comply with the DP, the Owner shall be given an opportunity to cure the defects. On completion of curative actions, the Owner must request another inspection.
11. When the County Permitting Department determines that the infrastructure complies with the DP, a Certificate of Compliance will be issued.
12. A utility may not provide utility services, including water, sewer, gas, and electric services, to a Development or to a Lodging Unit, Recreational Vehicle, or Tiny House in a development covered by these rules unless the Owner provides the utility with a copy of the Certificate of Compliance.

SECTION IV
REQUIREMENTS FOR DEVELOPMENT PLAN

The Development Plan (DP) for a Lodging & Recreational Vehicle Park Development must include each of the following:

1. The Owner of a plot or tract proposing to develop a recreational vehicle rental community or park is required to submit an Infrastructure Development Plan showing a survey of the proposed boundaries and significant features such as, but not limited to: lots/RV spaces which shall be numbered sequentially, tracts, roads, community spaces including community use buildings, buildings, water wells (if any), location of proposed fire hydrants (if any), utility easements, dumpsters, and rights-of-way dedications.
2. Each of the hookup locations shall be no closer than 40 feet from the any other hookup location. Only one recreational vehicle is allowed per hookup. All recreational vehicles must maintain a minimum of 10' from all other recreational vehicles or structures, on all sides, even when slide-outs or canopies are extended. Layout of park must be designed to accommodate this requirement.
3. The Development Plan shall include infrastructure improvements for lots, easements, storm

water discharge, roads, drainage and storm sewer, public and private sewer systems, and water in accordance with the standards as set forth by Lee County Subdivision Regulations.

4. Roads or streets for recreational vehicle rental communities must meet all County Road standards as set forth in the Lee County Subdivision Regulations, including width and road compaction. With approval of Commissioners Court, the developer is not required to meet any paving requirements and the developer may provide a one-way road, provided the road is a looping road with a minimum width of 20 feet. All two-way roads must be a minimum width of 24 feet.
5. Any on-site septic systems shall be designed by a licensed certified engineer and conform with Lee County and TCEQ requirements.
6. Reasonably specific plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the Special Flood Hazard Area. The placement of any structure within the regulatory floodplain shall be in accordance with the Lee County Flood Damage Prevention Order. A drainage study is required as part of the application. The requirements of the drainage study are set forth in Subdivision Regulations for Lee County.
7. Either reasonably specific plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the Units/Spaces must be submitted with the DP or certification that adequate groundwater is available for the Development. The Operator is required to provide a statement from the impacted groundwater district that certifies that adequate ground water is available for the subdivision if water is not to be provided by a public or private provider. (Lack of certification that suitable and adequate groundwater is available is grounds for denial of DP approval, if groundwater is the proposed source of water). A note shall be placed on the DP that groundwater is to be the source of water.
8. A letter from the local electrical utility, and natural gas utility if natural gas connections will be furnished, stating that sufficient service for all Units/Spaces is available must be submitted with the DP.
9. Either reasonably specific plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines OR specific plans showing compliance with Lee County OSSF regulations.
10. If the Development is located off of a State Highway, the approved Texas Department of Transportation (TxDOT) Driveway Permit must be submitted with the DP. If the permit is not available at the time of application, written correspondence from TxDOT is required demonstrating that the proposed location has been coordinated with TxDOT and that it is agreeable and any contingent conditions for approval.
11. Plans for the storage, collection and disposal of refuse in the Development so as to create no health hazards. All Lodging & Recreational Vehicle Park Development shall be served by a public or commercial waste collection and disposal service that collects all trash and rubbish at least once

weekly. It shall be a condition of occupancy that all tenants agree to be served by such service.

12. Plans for Lodging Development Spaces which shall include:

- Afford parking and maneuvering space sufficient so that the parking, loading, and the like, of vehicles shall not necessitate the use of any public right-of-way or privately owned property which may abut the Development or the unreasonable use of any interior road.
- For purposes of this subsection, a Tiny House which is secured to a foundation shall be considered to lie within a Lodging Development Space.

13. Plans for recreational vehicle spaces which shall:

- Afford parking and maneuvering space sufficient so that the parking, loading, and the like, of Recreational Vehicles shall not necessitate the use of any public right-of-way or privately owned property which may abut the Development or the unreasonable use of any interior road.
- Include a hardened area of not less than 12 feet by 40 feet (12' x 40'), improved with compacted crushed road base material, adequate to support the weight of the Recreational Vehicle, so as to not heave, shift, or settle unevenly under the weight of the Recreational Vehicle due to frost action, inadequate drainage, vibration or other forces.
- For purposes of this subsection, a Tiny House on wheels shall be treated as a Recreational Vehicle.

14. Plans for Fire Suppression

- Where a water line of six inch (6") diameter or greater is along the road adjacent to or across from the proposed Development, and is available for service to the proposed Development, the Operator shall place fire hydrants to the specifications of the State Board of Insurance Standards, or local standards as applicable. Fire hydrants placed in the Development shall have at least two (2) two and one-half inch (2.5") outlets with National Standard Treads (N.S.T.) and one (1) larger outlet for the local fire department.
- In a Development that is served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility services, fire hydrants shall be located on or within ten feet (10') of a road, not more than 1,000 feet (1000') apart, and no road frontage of any Lodging Development Unit or Recreational Vehicle Space shall be more than 500 feet (500') from an approved fire hydrant. The fire hydrants shall be on a minimum six inch (6") main and flow at 250 GPM for two (2) hours sustained. The fire protection system shall be designed and certified by a professional engineer certifying that these requirements have been met. The design and certification shall be provided as part of the application for the Development. A signed statement by a registered professional engineer certifying that these requirements have been met shall be on the DP.

- In a Development that IS NOT SERVED BY FIRE HYDRANTS, and IS NOT PART OF A CENTRALIZED WATER SYSTEM certified by TCEQ as meeting minimum standards for water utility services, the Operator shall provide water storage as follows:
- For a Development of fewer than 5 Units, Spaces, or combination thereof: 2,500 gallons of storage OR for a Development of 5 or more Units, Spaces, or combination thereof: 10,000 gallons of storage.
- Access to the storage tank shall be constructed so that it is an all weather road service to the tank and provide access to the storage tank from a distance of not more than four feet (4') from the edge of the road or driveway.
- Storage tanks shall be engineered, elevated, constructed on a concrete pad, designed to be compatible to fire suppression equipment, and engineered and constructed in compliance with NFPA Code 22.
- Lee County has no obligation to maintain, repair, replace or fill the water storage tank(s). Operator shall maintain the storage tanks at all times in compliance with these rules.
- The water storage tank(s) must be installed, filled and pass inspection prior to any Lodging Development Units or Recreational Vehicle Spaces being occupied. The developer is required to maintain the water storage tank(s) for compliance with the permitted use.

SECTION V
DEVELOPMENT AND OPERATION

- a. The Operator shall display the name of the Development with a sign at least twenty- four inches (24") high and plainly visible from the public road. The characters on the Development sign shall be reflective, at least three inches (3") high, and plainly visible from the public road. The Operator shall maintain the Development sign and shall not allow it to be obscured by weeds, vehicles, or anything else.
- b. The Operator shall mark with a sign each Unit and Space. The characters on each Space sign shall be reflective, at least three inches (3") high, and plainly visible from the road. The Operator shall maintain each Space sign, and shall not allow it to be obscured by weeds, vehicles, or anything else.
- c. The Operator shall keep all internal roads clear of obstructions, including parked vehicles, at all times.
- d. The Operator shall keep all service buildings (if any) clean and in good repair at all times.
- e. The Operator shall require that water discharged in the Development by a Recreational Vehicle, Lodging Development Unit, or Tiny House, except air conditioning condensation, flow into the sewage system.

- f. The Operator shall not allow the waste tanks of a Recreational Vehicle to be flushed in the Development unless the flush water flows into the sewage system or into a holding tank the contents of which are removed in compliance with State and local law and regulations.
- g. All spaces and common areas shall be kept mowed and free of high grass and weeds or other conditions that harbor insects, rodents or other conditions that pose a threat to the health, safety, or welfare of the occupants or Lee County citizens.
- h. All rental spaces and all common areas shall be kept clear of all waste, trash, inoperative motor vehicles and other unsanitary, unhealthful, unsightly and nuisance conditions.

SECTION VI
VARIANCES

The Lee County Commissioners Court may grant a variance when strict application of these requirements would work an unusual hardship. The Commissioners Court may attach such conditions to the granting of a variance as deemed necessary to further the purpose of these Standards.

- a. A developer may, prior to submitting an DP, request in writing that Lee County grant a variance as to any rule, except for fees. The variance request must be resolved prior to submission of the DP application. Lee County will not approve a variance request that is in opposition to any covenants or deed restrictions.
- b. The Lee County Commissioners Court will make the final decision about the variance application. After Commissioners Court makes its decision, the Operator may, within one (1) year after the date the variance is allowed by Commissioners Court, file an application and DP that includes the variance allowed by Commissioners Court.
- c. The Operator may not file an application and DP that is contingent upon the allowance of a variance that has not already been before Commissioners Court.
- d. When a variance is approved by Commissioners Court, the Operator must complete the action for which a variance was granted within one (1) calendar year from the date it is granted, or the variance will expire.

SECTION VII
SUSPENSION OF CERTIFICATE OF COMPLIANCE

1. SUSPENSION FOR NON-COMPLIANCE

The Operator of a Development that is not in compliance with the Lee County Infrastructure Requirements for Lodging & Recreational Vehicle Park Developments may have its Certificate of Compliance suspended.

2. NOTICE OF NON-COMPLIANCE

- a. Lee County Permitting shall send written notice, by hand delivery or certified mail, to the Owner and Operator at the address on file, or to the on-site office of the Development, informing them of

the non-compliance.

- b. The Owner or Operator shall have three (3) business days after receipt of the notice, if hand delivered, or six (6) business days after mailing of the notice, if mailed, to either bring the Development into compliance with these requirements or present a written plan to Lee County Permitting to bring the Development into compliance with these requirements.
- c. If the Owner or Operator fails to bring the Development into compliance with these requirements or present a written plan to Lee County Permitting to bring the Development into compliance with these requirements, within the time period specified above, the Certificate of Compliance of the Development is suspended.

3. APPROVAL OR REJECTION OF WRITTEN COMPLIANCE PLAN

- a. If the Owner or Operator presents a written plan to Lee County Permitting within the time period specified above, Lee County Permitting may approve it, with or without changes made by the Owner or Operator, or refuse to approve it.
- b. If Lee County Permitting does not approve the written plan, the Lee County Commissioners Court may, at a meeting, suspend the Certificate of Compliance of the Development.

4. REINSTATEMENT OF CERTIFICATE OF COMPLIANCE

- a. If a Certificate of Compliance has been suspended for less than ninety (90) days, the Owner or Operator may file a written plan with Lee County Permitting to bring the Development into compliance with all applicable requirements.
- b. The Lee County Permitting will consider the plan and make a recommendation to Commissioners Court, which will make the final decision to reinstate, or not reinstate, the suspended Certificate of Compliance.
- c. If a Certificate of Compliance has been suspended for more than ninety (90) days, the Owner or Operator must file a new Development application and DP with Lee County Permitting.

SECTION VIII
RECORDS

All applications and file copies of permits issued pursuant to these Regulations shall be maintained by Lee County as part of the permanent records of the Development Service Department.

SECTION IX
EFFECTIVE DATE

These Regulations shall become effective upon adoption by Commissioners Court.

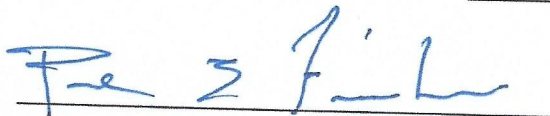
SECTION X
SEVERABILITY

The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

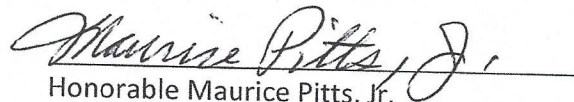
SECTION XI
PROMULGATION OF FORMS

Forms are promulgated for use in the administration of these regulations.

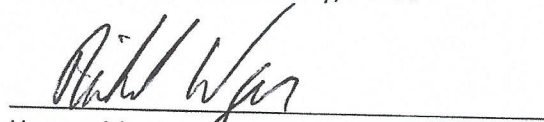
ADOPTED in open court this 30th day of NOV., A.D., 2020.




Honorable Paul E. Fischer
County Judge, Lee County, Texas



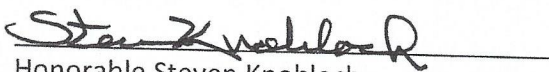
Honorable Maurice Pitts, Jr.
Commissioner, Precinct 1



Honorable Richard Wagner
Commissioner, Precinct 2



Honorable Alan Turner
Commissioner, Precinct 3



Honorable Steven Knobloch
Commissioner, Precinct 4