

ORDINANCE NO. 2011-24

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY DELETING ARTICLE XVI OF CHAPTER 6 THEREOF AND SUBSTITUTING THEREFOR A NEW ARTICLE XVI, PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS RELATING TO PARKING LOT STANDARDS AND SPECIFICATIONS; PROVIDING FOR "SPECIAL EXCEPTIONS FOR PARKING AND LANDSCAPING"; PROVIDING A PENALTY IN AN AMOUNT AS PROVIDED IN SECTION 1-13 OF THIS CODE FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by deleting Article XVI, Parking Lot Standards and Specifications, of Chapter 6, Buildings and Building Regulations, and substituting therefor a new Article XVI of Chapter 6 thereof, to provide as follows:

"ARTICLE XVI. PARKING LOT STANDARDS AND SPECIFICATIONS"

Sec. 6-416. - Off-street parking regulations.

It is the intent of this section to ensure that adequate off-street parking is provided.

- (1) Required off-street parking spaces should be on the same lot, tract, parcel, or premises as the use being served.
- (2) Any existing use that is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than fifty (50) percent as it existed at the effective date of this article shall be accompanied by off-street parking for the entire building, or use in accordance with the required off-street parking regulations set forth in the Section 6-418, schedule of parking regulations. Exemption may be permitted for a business that existed prior to the passage of this ordinance and requires less than twenty-five (25) spaces, and is rebuilt due to fire, storm, or other acts of God.
- (3) Existing parking spaces may not be used to satisfy additional off-street parking requirements unless the existing spaces proposed for use in meeting the requirements of the associated use exceed the number of spaces required for the building or use for which

the existing spaces are associated. All parking associated with a building or use from which the spaces are drawn must meet all requirements of this article.

(4) Off-street parking areas shall provide parking spaces with a minimum stall width of nine (9) feet (as measured from centerline to centerline) and a minimum length of twenty (20) feet.

(5) Off-street parking spaces shall be clearly marked. Parking spaces abutting an adjoining property line or street right-of-way shall be provided with wheel guards or bumper guards located so that no part of a normally parked vehicle shall extend beyond the property line. Single-family residential parking shall be excluded from this requirement.

(6) Approval of the parking area layout and design of all off-street parking areas shall be by the planning director or such designee. The planning director or such designee shall determine that spaces provided are useable and that the circulation pattern of the area is adequate.

(7) All off-street parking areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.

(8) All off-street parking areas within commercial or multi-family projects shall be provided with exterior lighting, which meets the following minimum standards:

a. Proper illumination shall be provided for safety, which at a minimum, shall be the equivalent of one-foot candle average of illumination throughout the parking area. In commercial parking lots, lights should be operable at a minimum of one (1) hour before the business is open to a period at least one (1) hour after the business has closed.

b. All lighting shall be on a time clock or photo sensor system.

c. All lighting shall be designed to confine direct rays to the premises. No spill over beyond the property line shall be permitted, except onto public thoroughfares provided, however, that such light shall not cause hazard to motorists.

(9) Access to parking areas for commercial or multi-family projects shall be provided as follows:

a. Two-way access driveways shall have a width of no less than twenty (20) feet nor greater than forty-four (44) feet. In cases where one-way access drives are approved, a minimum width of twelve (12) feet is required.

b. The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one (1) location to any other location within the parking area. (Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)

c. Under no circumstances will spaces be approved that require a vehicle to back into a public right-of-way. (Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)

d. This section relating to access for commercial or multi-family projects shall not be applicable for single-family residential parking requirements.

(10) Access to parking area for single-family residential units shall be provided as follows:

- a. The driveway shall be a minimum nine (9) feet wide and connect to all parking areas including garage.
- b. The driveway can permit a vehicle to safely back into a public right-of-way.
- c. The access drive may be of like material of the city street, but in no case less than an asphalt material. It does not have to match the parking space material.
- d. The design criteria shall be approved by the building official and be properly tied into the city street.

(11) The Downtown Area, as defined in this Chapter, shall be exempt from the parking regulations set forth in this article.

Sec. 6-417. - Off-street parking landscaping (twenty-five (25) spaces or more).

All areas, except the Downtown Area, that are used for parking shall conform to the minimum landscaping requirements of this subsection. Parking lots shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking area. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of fifty (50) percent of the required landscaped area must be used as islands.

Landscaping in the right-of-way shall be permitted subject to the approval of the planning director and the city engineer. Credit for up to fifty (50) percent of the minimum landscaping area requirement shall be allowed for landscaping of the street right-of-way.

Off-street parking areas (including loading docks, access roads and drives) that are adjacent to an area used for residential purposes may require screening by means of a six-foot wall or opaque fence, which shall be erected and maintained along the property line to provide visual screening. It shall be necessary to show all planting areas drawn to scale and all plants and trees within shall be clearly located and labeled on-site plans for development regulated by this article.

Landscaping areas shall be protected from vehicular encroachment by curbs or wheel stops.

Landscaping shall consist of a combination of such materials as grasses, ground cover, shrubs, vines, hedges, trees, or other such materials. Grasses and ground cover alone shall not constitute adequate landscaping.

Visibility at intersections. On a corner lot, no structure shall be erected or constructed, and no vegetation shall be planted and allowed to grow, in such a manner as to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of the intersecting streets, in the triangular area bounded by the intersecting street lines and a line joining points along said street lines twenty (20) feet from the point of their intersection.

Sec. 6-418. - Schedule of parking regulations.

Computing parking space requirements:

- (1) Where a fraction of an off-street parking space greater than or equal to one-half (0.5) is required pursuant to the table below, a full parking space shall be provided.

(2) For uses not mentioned in the table below or for which the category of use is uncertain, the planning director shall determine the most appropriate equivalent from the subsequent table. An applicant unsatisfied with the planning director's decision may make an appeal to the planning and zoning commission.

* GLA is the "gross leasable floor area"

Use	Unit	Minimum Number Spaces: Unit
Single-family residential	Dwelling unit	2:1 dwelling unit
Townhouse residential	Dwelling unit	2.5:1 dwelling unit
Duplex residential	Duplex	4 covered spaces per duplex
General office (includes banks and savings and loans)	1,000 square feet of GLA*	5:1000 square feet
General retail (under 400,000)	1,000 square feet of GLA*	5:1000 square feet
General retail (400,000 and over)	1,000 square feet of GLA*	5:1000 square feet
Fast food eating (with or without drive through, without table service)	1,000 square feet of GLA*	10:1000 square feet
Restaurants and cafeterias (sit down eating with table service, without bar)	1,000 square feet of GLA*	12:1,000 square feet
Restaurants and cafeterias (sit down eating with table service, with bar)	1,000 square feet of GLA*	15:1,000 square feet
Bars, nightclubs and taverns	1,000 square feet of GLA*	20:1,000 square feet
Churches, cinemas, meeting rooms, and places of public assembly (with fixed seating)	Seats	1:4 seats
Places of public assembly (without fixed seating)	Areas of assembly	1:45 square feet
Places of assembly for elementary age children (without fixed seating)	Areas of assembly	1:650 square feet
Hospitals (acute care)	Beds	1:1 bed
Hospitals, nursing homes, assisted living (chronic care)	Beds	1:3 beds
Light manufacturing	1,000 square feet of GLA*	2:1000 square feet
Wholesaling, warehousing, and distribution	1,500 square feet of inside storage area	1:1500 square feet
Bowling alley	Lanes	5:1 lane
Funeral home	Seats	1:3 seats
Medical/dental clinic	1,000 square feet of GLA*	6:1000 square feet
Hotel/motel	Rooms	1:1 room

Multi-family dwelling	1 Bedroom 2 Bedroom 3 Bedroom	4 spaces:1 bedroom dwelling 5 spaces:2 bedroom dwelling 6 spaces:3 bedroom dwelling 30% of the required spaces shall be covered. (At a minimum, 10% of the total spaces shall be designated for guest parking)
Auto repair, painting, or body repair	1,000 square feet of GLA*	3:1000 square feet of office area + 4 spaces per each bay, or one space per 600 square feet of other gross floor area
Auto wash	Use	10 minimum
Auto part sales	1,000 square feet of GLA*	3:1000 square feet of office area + 4 spaces per each bay, or one space per 600 square feet of other gross floor area
Auto service station	Use	2 spaces per day + 2 stacking spaces per pump
Automobile/vehicle sales:		
For showroom/office	1,000 square feet of GLA*	4:1000 square feet
For outside lot	800 square feet of lot area	1:800 square feet
Minimum, if greater than total for above	Total site	8 spaces
Self-storage/Mini-warehouse	12,000 square feet of GLA*	1:12,000 square feet

Sec. 6-419. Special Exceptions for Parking and Landscaping for Commercial Uses with Frontage on Avenue H, Avenue I, and State Highway 36 only.

- (1) Upon written request of the property owner, the City Council may grant a special exception to the provisions of this Article, limited to and in accordance with the items referenced in this Section.
- (2) The purpose of a special exception shall be to authorize a modification of standards applicable to development within the City, which is consistent with the overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.
- (3) An application for a special exception shall be filed only for parking and landscaping provisions contained within this Article of the Code.
- (4) In granting a special exception under this Article, the City Council may impose such criteria and conditions as necessary to bring the property into further compliance with this Article and to protect adjacent property owners.
- (5) Special exceptions shall be limited to the following:
 - (a) The property to which a special exception applies shall be no larger than one (1) acre in size.
 - (b) The property to which a special exception applies shall be a property in which an improvement is upon, and not be a stand-alone, vacant property, in which no building currently exists. A vacant property adjacent to a developed property, in which the vacant tract and the developed tract are replatted into one lot, shall be permitted.
 - (c) The special exception may allow for the reduction of parking requirements in an amount not exceeding 25% of the parking required for that use under this Article.
- (6) Application Requirements
 - (a) An application for a special exception shall be accompanied by the following:
 1. Completed application, as provided by the Planning Department.
 2. A statement detailing the specifics of the site, including the size of the site, the size of any buildings to be utilized, the parking spaces proposed, and any other information deemed appropriate by the Planning Director.
 3. A site plan of the subject property.
 4. A landscape plan showing as much conformance to the landscaping requirements as the site can accommodate.
- (7) Application Processing
 - (a) The Planning Commission shall consider an application for a special exception and make a recommendation to the City Council.
 - (b) The Planning Department shall cause notice to be sent by regular mail before the 10th

day before the date in which the special exception is considered by the City Council, to each owner of real property located within 200 feet of the exterior boundary of the property in question.

- (c) The Planning Department shall cause notice to be published in a newspaper of general circulation in the City before the 10th day before the date in which the special exception is considered by the City Council.
- (d) The City Council shall hold a public hearing and receive public comments regarding the special exception.

Secs. 6-420—6-424. - Reserved.

Section 2. Any person who shall violate any provision of this article, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided in Section 1-13 of this Code. Each day of violation shall constitute a separate offense.

Section 3. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

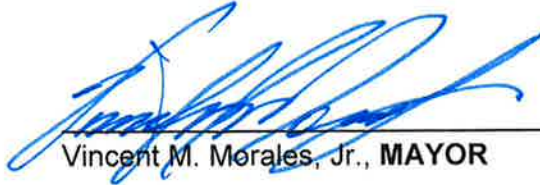
Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by a vote of 7 "ayes" in favor and 0 "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 20th day of December, 2011.

ATTEST:


Linda Cernosek, **CITY SECRETARY**

APPROVED:


Vincent M. Morales, Jr., **MAYOR**

APPROVED AS TO FORM:


Lora Jean D. Lenzsch, **CITY ATTORNEY**