

ORDINANCE NO. 22 -028

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 34, "TRAFFIC" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" SECTION 34-119 (h) " PARKING ON PRIVATE PROPERTY"; UPDATING THE SECTION AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE. PLANNING CASE NUMBER 22PA-003.

WHEREAS, Section 34-119(h) of the Galveston City Code provides in part that no motor vehicle, camper, trailer, motor home, or boat may be parked on a lot or driveway on which there is no standing structure; and,

WHEREAS, Representatives of the Beachside Village subdivision have approached staff with concerns regarding the use of vacant properties for parking; and,

WHEREAS, within the Tradition Neighborhood Developments (Beachtown, Beachside Village, Evia, and Sweetwater Cove), it is common for a property owner to own multiple lots adjacent to one another. Typically, a house is constructed on one lot and the vacant lot is used as a yard. Since the lots are separate, parking on the lot with no standing structure is not allowed per City Code, Section 34-119(h); and,

WHEREAS, Staff has reviewed the request and upon investigation proposed an exemption to the code in certain circumstances; and,

WHEREAS, after due consideration, the City Council of the City of Galveston, Texas, finds it in the best interest of the public to amend Chapter 34, "Traffic" of "The Code of The City of Galveston 1982, as Amended, Section 34-119 (h), "Parking on Private Property"; as provided in Section 2 below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Section 34-119, "Parking on private property " is hereby amended to read and provide as follows:

Sec. 34-119. - Parking on private property.

- (a) Unless otherwise stated below, it shall be an offense for a person to park a motor vehicle, camper, trailer, motor home or boat on private residential property hereinafter described unless the vehicle is parked on a maintained side or rear yard, screened from public view with

either fencing and/or landscaping, as approved by the director of ~~planning and community development~~ services department or designee.

- (b) Any parking in a designated historic district is subject to approval by the landmark commission, as per ~~subsection 29-67(b) of the city zoning standards~~ Article 10 of the City's Land Development Regulations.
- (c) Any mobile home or travel trailer, not located within an approved mobile home park or travel trailer park, and being situated at its present location, prior to December 1976, and used as a place of residence, shall be allowed to continue as a legal non-conforming use, provided the present occupant continues to maintain said mobile home or travel trailer a place of residence only.

Any mobile home or travel trailer not so located and not used as a place of residence, prior to December 1976, shall be removed or relocated to an approved mobile home park or travel trailer park. ~~Any travel trailer or mobile home used as a place of residence after December 1976 shall be deemed in violation of the zoning standards section 29-87.~~

- (d) Screening devices and parking surfaces shall comply with all other ordinances of the city regulating the same.
- (e) Properties located west of 103rd Street are exempt from the screening requirements described in subsection (a);
- (f) All vehicles shall comply with all City Code and state requirements including vehicle registration, inspection, and junked vehicles.
- (g) All vehicles parked in an area that is part of a driveway that provides access to a garage or carport or located on an all-weather surface may not encroach the city right-of-way.
- (h) No motor vehicle, camper, trailer, motor home, or boat may be parked on a lot or driveway on which there is no standing structure.
 - (1) For purposes of this section, a standing structure shall mean a structure with exterior walls or firewalls, and a roof, built, erected or framed of materials to shelter persons, animals, or property.

(2) Properties meeting all of the following criteria shall be exempt from subsection (h):

- a. Located in a Traditional Neighborhood (TN) zoning district; and
- b. Located adjacent to an improved lot under common ownership.

(3) Exempt properties shall meet the following standards in order to be used for parking:

- a. A parking area shall be constructed;
- b. The parking area surface shall be constructed of pervious material such as Grasscrete;
- c. The parking area surface shall be setback at least five feet from the side property lines and no further than 35 feet from the front property line;
- d. The exempted lot shall be fenced; and

e. The parking shall be limited to passenger motor vehicles only. Campers, trailers, motor homes, and/or boats are not permitted to be parked on the exempted lot.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on May 26, 2022, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 27th day of May, 2022.

Secretary for the City Council
of the City of Galveston