

## **ORDINANCE NO. 1116**

### **AN ORDINANCE AMENDING ORDINANCE NO. 1072 REGARDING PARKING REQUIREMENTS FOR THE CITY OF KEMAH, TEXAS ADDING THREE ADDITIONAL CATEGORIES, COMMERCIAL OFFICE, WAREHOUSE AND MIXED USE AND PROVIDING A PENALTY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMAH, TEXAS THAT** additional subsections to Section 2, Minimum Parking Requirements are added herein, creating the need to amend Ordinance 1072. (See Section 2, Subsections J,K,L,M and N.)

#### **1. Definitions and general provisions**

- a. “Off-Site Parking Area” shall mean the following area: The area of the City North of 9<sup>th</sup> St. to the Clear Creek Channel and West of Alleyway between Kipp and Bradford to the east line of State Hwy 146. “Boardwalk Parking Area” means the following area: The area of the City North of 6<sup>th</sup> Street to the Clear Creek Channel and East of Texas Avenue.
- b. “Off-Site” parking is any parking that is not entirely located on the same Tract as the improvements for which the building permit or certificate of occupancy are located.
- c. “Multi-family residences” shall mean any structure intended for the residential use by more than one family.
- d. “Street Parking” shall refer to parking spaces constructed either (i) partially on the City’s property and partially on private property pursuant to an agreement between the City and a private property owner(s) or (ii) entirely on the City’s property as more particularly set out in Sections 4 and 5.
- e. “Tract of Land” or “Tract” shall mean one or more adjacent or contiguous lots made the basis of one application for one permit.
- f. “Entrance of the Building” shall mean a principal door provided for the ingress and egress for a particular business’ patrons as determined by the City’s Building Official from the plans submitted with any application. There may be more than one Entrance to a Building.
- g. “Assembly” shall mean the use of an indoor or outdoor structure or the open air grounds of a property (including but not limited to a vacant property that is free from all structures save and except a deck or deck(s) or platform or platform(s) devoted to or capable of commercial use as the gathering place of people for various purposes (civic, social, religious, recreational, parties,

weddings, food and drink consumption) Provided, however, if there is a residential structure on-site where the activities are to be conducted and if the structure is occupied by one who lives there so that it is devoted to a residential use, any gathering conducted or sponsored by the residential occupant shall be deemed a residential use and not an assembly use for these purposes.

## 2. Minimum Parking Requirements.

Any plans that are submitted for the issuance of a building permit must include provisions for the following minimum parking spaces. No certificate of occupancy will be issued unless the structure for which the certificate is sought shall have the following minimum number of spaces.

The following square footage requirements shall refer to the gross enclosed area of the building as set forth on the building plans submitted to the City, unless otherwise indicated.

- a. Lots Used For the Sale or Lease of Motor Vehicles – 1 space per 200 square feet plus 8 spaces for each 43,560 square feet of outdoor display area.
- b. Motor Vehicles Service Stations or Repair Shops – 1 space per service bay and 1 space per fuel pump, but in no event less than 6 spaces.
- c. Convenience Stores – 1 space per 150 square feet.
- d. Restaurants – 1 space per 100 square feet. In the case of restaurants, any outside areas such as decks or patios that can be used for dining shall be included in the square footage requirement.
- e. Multi-Family Residences – 2 spaces for each unit that is an efficiency or one-bedroom unit plus 1 additional space for each additional bedroom.
- f. Hotels/Motels – 1 space for each guest room. If the hotel or motel includes restaurant or retail space, the minimum shall also include additional spaces for those uses as set out above.
- g. Public Storage Facilities – 1 space per 2,000 square feet, provided however, if the storage facility is a dry dock facility for boat storage and has an adjacent area for launching boats, the requirement shall be 1 space for each 5 boats that can be stored in the facility.
- h. Assembly Use - For enclosed assembly structures (walls and a roof): 1 space per 4 potential occupants (based on maximum occupancy as calculated herein). For a property that has no structure(s) with walls and a roof. the usable area on which occupancy is to be calculated shall use 50% of the square footage of the entire lot

in its formula 50% of the lot shall be dedicated to and used for on-site event parking and the other 50% may be used for the actual assembly area. For the dedicated parking formula the City shall use a measure of 1 required space per 200 square feet utilizing 50% of the total square footage of the lot in question (in lieu of the 1 space per 4 potential occupants measure for enclosed structures). For example using a 10,000 square foot lot-50% would be 5,000 square feet. 5,000 square feet divided by 200 square feet is 25 spaces. Four occupants per car would bring 100 guests.

- i. Marinas – 1 space per 2 boat slips plus the required parking for any other structures located on the marina property as required by the foregoing requirements of this Section. For any docked commercial vessel, one space for every 3 persons measured by the Coast Guard Occupancy Rating of the vessel.
  - j. **Commercial Office Use – 1 space per 200 square feet of Commercial space. A structure used entirely for commercial office space or partially for commercial office space shall meet this minimum number of parking spaces.**
  - k. **Warehouse Use – 1 space per 600 square feet of warehouse space. A structure used entirely for warehouse space or partially for warehouse space shall meet this minimum number of parking spaces.**
  - l. **Mixed Use – any structure used for more than one use shall meet the minimum requirement for that use that requires the most parking spaces hereunder.**
  - m. All other non-residential uses - 1 space per 200 square feet.
  - n. All of these requirements apply to new construction and have no retroactive applicability to existing permitted structures and properties unless and until the owner seeks to change the use and add improvements that require a building permit.
- 2A. **MAXIMUM OCCUPANCY FOR ASSEMBLY USE PROPERTY,** The maximum occupancy permitted per property devoted to assembly use shall be determined by dividing the square footage of the assembly area as herein defined and measured by 20 S/F per person. Appropriate signage shall be visibly posted on-site that identifies the maximum occupancy for any assembly and the owner and the host of the assembly shall be responsible for adherence to and compliance with this rule for safety. It shall be unlawful for those persons responsible to host or allow an assembly of persons that exceeds the maximum applicable occupancy.

3. City Wide General Rules.

- a. Any applicant for a Building Permit or a Certificate of Occupancy (hereafter “BP/COO”) must provide for the minimum required parking spaces on the same tract of land except in the Boardwalk Parking Area and the Off-Site Parking Area.
- b. Any applicant for a BP/COO may use adjacent Street Parking subject to City approval as to location.
- c. All parking spaces provided by the City shall cost \$1,000.00 or the cost of construction, whichever is higher and paid for in advance.
- d. All parking spaces shall be built by the City or its contractors.

4. Boardwalk Parking Area.

Any applicant for a BP/COO within the Boardwalk Parking Area may use off-site parking to provide the minimum required parking spaces provided that:

- (i) The walking distance for patrons to the entrance to the building is not more than:
  - 1. 150 feet for 25% of the required parking;
  - 300 feet for 50% of the required parking; and
  - 3. 600 feet for 100% of the required parking.
- (ii) All handicap parking shall be within 100 feet of the entrance to the building.
- (iii) All parking is located within the Boardwalk Parking Area.
- (iv) Applicant has provided for and reserved sufficient areas on-site and adjacent to the main structure for access by delivery and emergency vehicles.

5. Off-Site Parking Area.

Any applicant for a BP/COO within the Off-Site Parking Area may use Off-Site Parking for the minimum required parking spaces. Location of said parking spaces to be approved or designated by the City.

6. Minimum Construction Standards.

- a. Surface & Curb Requirements:
  - (i) All new construction for new or refurbished off-site parking for new or existing (old) commercial or industrial usage or for on-site parking facilities in conjunction with a new or refurbished commercial or industrial use shall be constructed by meeting or exceeding the minimum specifications of the City, as follows:

The following specification shall be used for any parking area in any development (commercial or industrial) in the City:

- Portland Cement Concrete, 5 sacks of cement per cubic yard of concrete, 6" concrete thickness at all points.
- Curb required.
- Lot must drain in an acceptable manner as per engineering drawings.
- 1" board expansion (or equivalent) required.
- Steel Reinforcement: No. 6 mesh wire (6"x6") and/or No. 4 rebar.

Asphalt may be substituted for the Portland Cement Concrete with the following:

Asphalt parking area minimum specifications.

- 5 ½" compacted lime stabilized soil.
- 5 ½" compacted limestone or similar base material.
- Full coverage of tack coat (MC30) or similar material.
- Minimum of 1 ½" of compacted asphalt Type A.

(ii) The hard surface shall meet the minimum footprint required hereunder for area of hard surface coverage and shall not exceed 125% of the minimum footprint required.

(iii) All remaining areas (other than those under the concrete or asphalt footprint) of the lot or lots where the parking surface is to be constructed shall be planted and maintained in accordance with the applicable Landscaping and Planting requirements specified hereinafter. However, those remaining areas shall, as a minimum, always be planted and maintained with shrubbery or a combination of shrubbery and grass in a manner that shall screen (or grow to screen within one year) the parking area from view from the window of a standard size passenger car.

(b) Sidewalk Regulations.

The property owners shall construct and maintain concrete sidewalks in accordance with the City specifications in order to provide the public and the

occupants of the site to be permitted with convenient access to the parking areas and abutting streets.

(c) Lighting Regulations.

All outside lights shall be directed or hooded so that the light is directed toward the ground and away from adjacent residential property or adjacent streets.

7. Landscaping and Planting Regulations.

- a. Any portion of a lot or lots not required for buildings, entrances, sidewalks or parking areas, but not less than 10% of the lot area subject to permit, shall be landscaped, planted and maintained by the owners with a combination of greenery, shrubbery and/or trees visible as a sight screen and as a first thing seen from a vehicle traversing the abutting public street.
- b. The applicant may count an existing tree as part of the landscaped area. The regulation shall be met by one tree for each thirty feet (or fraction thereof) of street frontage planted not more than twenty feet (20') from the right of way of any street, if the tree trunk exceeds six inches in diameter at a point 18" above the natural ground at the base of the tree.

8. Time Limited Parking. Time limited parking may be granted by City Council based on a reasonable request from the property owner.

9. Loading Zones. Loading Zones may be granted by City Council based on a reasonable request by the property owner.

10. Reduction or Elimination of Existing Parking Inside the Entertainment District: If any application for a building permit provides for the reduction or elimination of any existing usable parking space, the application must provide for the creation of two (2) spaces for every space so eliminated and the new spaces must be located within the designated parking area.

11. Parking Lots Outside the Entertainment District. No building permit or certificate of occupancy shall be issued for a property outside of the Entertainment District for the construction of a parking lot unless the parking lot is to be constructed and used in conjunction with improvements on the same Tract. In no event shall a permit be granted for a structure on a Tract which provides for parking on the Tract where the structure is located when such structure and dedicated parking utilizes a number of parking spaces in excess of 125% of the requirements set out in Section 2 for the type of structure or use specified. No owner of property shall use his property for a purpose for which a permit is prohibited.

12. Exceptions: Special exceptions to the provision for dust-free (concrete or asphalt) parking may be made for City projects, such as temporary parking areas, special-event

parking areas (where hardened surfaces may be prohibited by utility or pipeline companies), or to serve parking areas adjacent to/or within dedicated park facilities.

13. Penal Provisions. Any person violating any provision of this Ordinance or failing to comply with any requirement of this Ordinance will be guilty of a misdemeanor and subject to a fine not to exceed the maximum allowed by law. Each day during or upon which said person shall violate or continue to violate any provision of this Ordinance or shall fail to comply with any requirements of this Ordinance shall constitute a distinct and separate offense. The violation of any provision of this Ordinance or the failure to comply with any requirement of this Ordinance shall each constitute a distinct and separate offense.

AND IT IS SO ORDERED.

APPROVED AT ITS FIRST READING ON THE 20<sup>TH</sup> DAY OF AUGUST, 2014.

PASSED AND APPROVED AT ITS SECOND READING ON THE 3RD DAY OF SEPTEMBER, 2014

  
ROBERT CUMMINS, Mayor

ATTEST:

  
MARISELA GARCIA, City Secretary