ORDINANCE NO. 2016-23

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY AMENDING SECTIONS 6-251, 6-252, 6-253, AND 6-259 OF ARTICLE VIII ENTITLED "MULTI-FAMILY DEVELOPMENTS" OF CHAPTER 6 THEREOF, PROVIDING FOR REVISED MULTI-FAMILY DEVELOPMENT REGULATIONS; AND BY AMENDING SECTIONS 6-416 THROUGH 6-421 OF ARTICLE XVI ENTITLED "PARKING LOT STANDARDS AND SPECIFICATIONS" OF CHAPTER 6 THEREOF, PROVIDING FOR REVISED PARKING REGULATIONS; 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.

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 amending Sections 6-251, 6-252, 6-253, and 6-259 of Article VIII of Chapter 6 thereof; and by amending Sections 6-416 through 6-421 of Article XVI of Chapter 6 thereof to provide as follows:

"ARTICLE VIII. - MULTI-FAMILY DEVELOPMENTS

* * *

Sec. 6-251. - Density and size, access and separation between multi-family dwelling buildings.

(a) Each multi-family dwelling building shall be limited to not more than seven thousand (7,000) square feet per floor. Multi-family dwelling buildings shall be limited to two (2) floors, and shall not exceed thirty (30) feet in height above finished grade. Each building shall be separate and separated by distances as stated in subsection (c) of this section.

(b) Access must be provided around the entire perimeter of all multi-family development for emergency vehicles, including fire trucks, police cars, ambulances and garbage trucks. This access area must be paved and have a width of at least twenty (20) feet. Multi-family developments with less than ten (10) multi-family dwelling units are exempt from this requirement. Multi-family developments may not be developed in stages or phases to circumvent this requirement.

(c) Each building within a multi-family dwelling development shall be separated from other buildings by not less than thirty (30) feet. Enclosed courtyards shall not be less than forty (40) feet in depth, width, or length.

(d) Building lines. The following minimum building lines shall be required for lots or tracts containing multi-family dwelling buildings, measured from the applicable property line; provided, however, if the lot is encumbered with a street right-of-way, such building line shall be measured from the boundary line of such street right-of-way:

(1) Front yard. The front yard building line shall not be less than thirty-five (35) feet.

(2) Side yard, interior. The interior side yard building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed.

(3) Side yard, street. The side building line adjacent to a street shall be not less than thirty (30) feet, except that where the side yard is adjacent to a collector street or major thoroughfare such building line shall be not less than thirty-five (35) feet.

(4) Rear yard; interior; alleyways. The rear building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of thirty (30) feet between the buildings abutting said alleyway.

(5) Rear yard, major street. A rear building line adjacent to a collector street or a major thoroughfare shall be not less than thirty (30) feet.

(e) No multi-family dwelling development shall contain more than fourteen (14) units per net platted acre. The net platted acreage shall be the total platted acreage of the development, less any acreage occupied by lakes or ponds, irrigation canals or drainage canals. For a development with one-story multi-family dwelling buildings the density shall not exceed seven (7) dwelling units per net platted acre. For a development with two-story or a combination of one- and two-story multi-family dwelling buildings the density shall not exceed fourteen (14) dwelling units per net platted acre. At no time shall any acre contain more than fourteen (14) dwelling units.

(f) The total number of units within a multi-family development shall not exceed two hundred (200). Multi-family developments may not be developed in stages or phases to circumvent this requirement.

Sec. 6-252. - Masonry construction.

At a minimum, seventy-five (75) percent of the exterior walls of a multi-family dwelling development shall be constructed of masonry materials and shall contain an appropriate moisture barrier in accordance with Article II of Chapter 6 hereof.

Sec. 6-253. – Screening and Security.

The following screening and security requirements shall apply to multi-family dwelling developments:

(1) All refuse containers shall be screened;

(2) An eight-foot tall decorative masonry wall shall be constructed on the sides and rear of any multi-family dwelling development;

(3) All walls shall be constructed of a solid masonry material of brick, decorative block or similar material. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four (4) inches wider than the wall to be erected;

(4) For security purposes, structurally sound gates complying with applicable codes shall be placed at all entrances to multi-family dwelling developments in a manner sufficient to restrict access to residents and authorized visitors. Master codes to the gates shall be provided to the Chief of Police to provide for unrestricted access to police, fire and EMS emergency services and police routine patrol; and

(5) On-site management shall be present at all times.

* * *

Sec. 6-259. - Site plan.

At the time a preliminary plat application is submitted, a preliminary site plan of the multi-family development shall be submitted for review and approval of the Planning Commission. At the time a final plat application is submitted, a final site plan shall be submitted for review and approval by the Planning Commission and the City Council. Any site plan of the multi-family development submitted in conjunction with an application for a building permit shall be in accordance with the final site plan approved by the City Council. This requirement to provide a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed under this Code. A site plan may be denied by the Commission and Council if the proposed multi-family development is within one half (1/2) mile of an existing multi-family development, resulting in undue concentration of multi-family developments as determined by the Commission and Council."

Section 2. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by amending Sections 6-416 through 6-421 of 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) Location.

a. Generally. All off-street parking spaces shall be located on the same lot as the building and / or use to be served.

b. Shared Parking. (Uses with Variable Parking Demand Hours). The owners or tenants of two or more separate uses located in a development that has variable hours of peak parking demands or a parking lot designed to accommodate the parking needs of multiple uses may utilize the shared parking standards set out in in Sec. 6-421, "Shared Parking".

(2) Improvements to Nonconforming Parking Lots.

a. Generally. Nonconforming parking refers to parking spaces, parking drive aisles, and loading areas, and the required landscaping normally associated with it, that do not conform to the requirements that are set out in Article XVI.

b. Specific Standards.

i. If an existing building or use is expanded, additional parking and landscaping shall be required only in proportion to the new area of the building or use.

ii. If the use of a building changes, resulting in additional demand for parking, additional parking and associated landscaping shall be provided in an amount equal to the difference between the requirements of the former use (not the actual parking provided on-site) and the requirements for the new use, as set in this Section. However, a permit for the new use may be denied if the available parking is less than 75 percent of the required parking.

iii. If an existing building is redeveloped, parking shall be provided as required by this section.

iv. If a non-conforming parking lot provides parking for a nonconforming building, the off-street parking lot will be brought into compliance with the parking standards of this Section if the building loses its nonconforming status.

v. If a nonconforming building is required to be brought fully into compliance with all applicable development standards, the parking lot and parking lot landscaping shall also be brought into compliance.

(3) Parking Space Dimensions.

Off-street parking areas (as illustrated in Figure 1) shall provide parking spaces

a. with a minimum stall width of nine (9) feet as measured from centerline to centerline;

b. with a minimum depth of twenty (20) feet. The Depth requirement may be met by using a reduced depth and overhang as shown in Figure 1;

c. with a minimum drive aisle width of twenty (20) feet;

d. that are marked with striping to indicate the location of the individual spaces; and

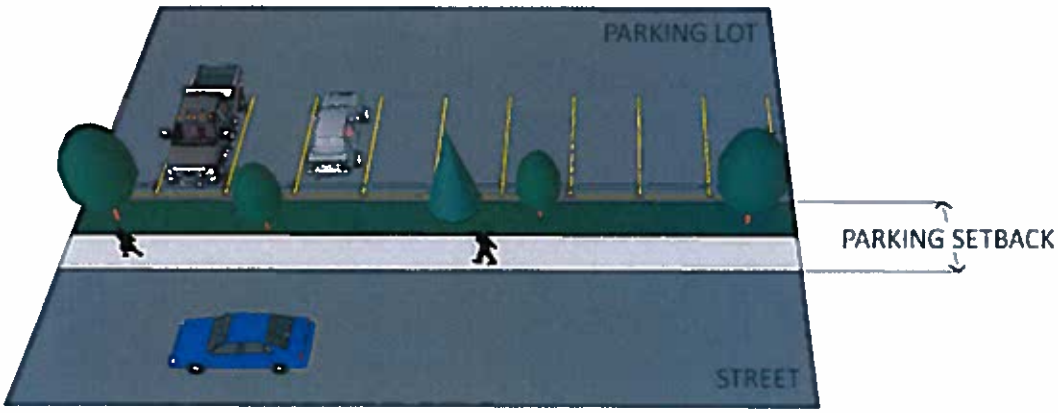
e. that comply with the maintenance requirements of subsection 6(e).

(4) All parking and paving areas shall meet the following setbacks:

a. Parking and paving areas shall be setback a minimum of ten (10) feet from any property line that abuts a street right-of-way or an access easement as defined in Article 1, of Chapter 25, Subdivisions, Section 25-1, as illustrated below in Figure 2.

Figure 2

Required Parking Setback



b. Parking and paving areas shall be setback a minimum of five (5) feet from any side property line. For corner lots, parking and paving areas shall provide the minimum five (5) foot setback on both interior side yards, regardless of whether one (1) yard is considered a rear yard.

c. There shall be no parking or paving setback on the rear of a lot with the exception of subsection (d) below. Parking spaces abutting an adjoining property line in the rear shall be provided with wheel guards or bumper guards located so that no part of a normally parking vehicle shall extend beyond the property line.

d. Parking and paving areas shall be setback a minimum of five (5) feet from any alley.

e. For interior side property lines in commercial developments with shared parking, no setback from the interior property lines are required.

f. Single family residential parking shall be exempt from these setback requirements.

g. Nonconforming parking and paving areas:

i. Parking and paving areas which are in existence on the effective date of this ordinance, and which are nonconforming as it relates to the provisions of subsection 6-416(5), may be repaired or renovated provided that repairs or renovations do not exceed fifty (50) percent of the replacement cost of the parking or paving area as determined by two (2) or more independent estimates from licensed contractors.

ii. Repairs or renovations exceeding fifty (50) percent of the replacement cost of a nonconforming parking or paving area must result in conformance with subsection 6-416(5).

(5) 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.

(6) Parking Lot Surfacing.

a. Paved Parking.

i. Generally. All off-street parking spaces and access and circulation drives, driveways, and parking aisles shall be surfaced or improved with a hard surface of asphalt or concrete approved by the Building Official or City Engineer, that will provide an equal protection against potholes, erosion, and dust.

b. Maintenance.

i. The following shall be maintained in to be high quality, fully functioning, and in full compliance with the Americans with Disabilities Act (ADA)

1. Access and circulation drives;

2. Driveways;

3. Parking Aisles;

4. Off-Street parking and loading spaces; and

5. On-site traffic directional or control devices.

ii. The following shall be kept clearly visible and distinct:

1. Parking space lines; and

2. Pavement markings and improved hard surfaces.

(7) 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.

(8) 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.

(9) 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.

(10) The Downtown Area, as defined in this chapter, shall be exempt from the parking regulations set forth in this article. When, however, off-street parking lots are proposed in the Downtown Area they shall be designed and constructed in accordance with all of the standards of this Article.

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

(1) All areas, except the downtown area, that are used for parking shall conform to the minimum landscaping requirements of this section. 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.

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

(3) 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.

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

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

(6) 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

(1) Definitions. *Planned Cluster* means a type of residential neighborhood in which single-family detached and single-family attached dwelling units are concentrated on a portion of the parcel proposed for development, in order to allow the remaining land to be used for recreation, open space, or preservation of sensitive land areas.

(2) Calculations. The number of required off-street parking spaces will be calculated according to the formulas set out in this Section.

a. Variables for Calculating Required Parking. The variables used for parking calculations are:

i. Per Square Foot (sf.) of Parking Floor Area (PFA). The phrase "per sf. of PFA" means that the number of parking spaces is calculated based on the number of "parking-related" square feet of floor area put to the use. The "PFA" is 85 percent of the gross floor area, plus (unless otherwise specified) the area of any parts of the parcel proposed for development that are delineated and used in a manner that is comparable in function

and intensity of use to the use of the inside of the building (e.g., outdoor dining areas).

ii. Per Dwelling Unit (DU) or Per Bedroom (BR). The phrase "per '#' DU" means that the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per "#" BR unit) in the dwelling units.

iii. Per Bed. The phrase "per bed" means that the number of parking spaces is based on the number of beds in the facility instead of the number of sleeping rooms or some other measure. Per bed calculations are normally applied to uses that offer residential care or overnight accommodations with shared rooms.

iv. Per Employee. The phrase "per employee" means that the number of parking spaces is based on the number of employees during the shift in which the maximum number of employees is present.

v. Per Seat Capacity. The phrase "per seat" means that the number of parking spaces is based on the number of seats that are provided for guests (patrons, members, etc.), with benches or pews measured as one seat per each two feet of width; and

vi. Per Square Feet (sf.) of Assembly Area. The phrase "per sf. of assembly area" means that the number of parking spaces is based on the number of square feet in the largest room used for assembly (e.g., at a school, this is often a gymnasium, but it could also be a theater or a lunch room).

vii. Others. Other variables are measured according to their common meanings.

viii. Special Parking Study or Modifications to Required Parking, as set out below in "Special Studies".

b. Rounding. If the final calculation of the number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.

c. Multiple Mixed-use or Nonresidential Uses. If several mixed-use or nonresidential uses occupy a single parcel or building, the off-street parking

and loading requirements shall be the cumulative total for all uses, or as set out in Section 5.103, Alternatives or Modifications to Required Parking, whichever is lesser.

(3) Required Parking. The parking spaces required for individual uses are provided in this section delineated by the land use classifications.

a. Residential and Commercial Use of the Home. Required off-street parking for residential and commercial uses of the home are set out in Table 1.

b. Institutional, Recreation and Amusement Uses. Required off-street parking for institutional, recreation and amusement uses are set out in Table 2.

c. Commercial Uses. Required off-street parking for commercial uses as set out in Table 3.

d. Agriculture Industrial, Transportation, Utility and Communication Uses. Required off-street parking for agriculture, industrial, transportation, utility and communication uses are set out in Table 4.

(4) Required Disabled Parking. As required by the American with Disabilities Act a certain number of required disabled parking spaces are required as part of new development and redevelopment. The disabled parking spaces shall be incorporated into, rather than in addition to, the overall number of parking spaces required by this Section.

(5) Uses Not Listed. The Planning Director shall determine the parking requirements for uses that are not listed based on the uses that are most similar to the proposed uses or based on parking studies of similar uses that are provided by the applicant and certified by a qualified transportation planner or professional engineer. The Director's decision may be appealed to the Planning Commission.

(6) Special Studies. Some uses have widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the following parking tables as "Special Study." Required parking for these uses shall be established by special study according to the standards of this Section. A special study may also be requested by the City for any land use not listed. The Special Study shall be prepared as follows:

a. The Special Study shall be completed by a qualified transportation engineer at the applicant's expense.

b. The special study shall provide:

i. A peak parking analysis of at least three comparable uses.

ii. Documentation regarding the comparability of the referenced uses, including name, function, location, floor area, parking availability, access to transportation network (including vehicular or other if applicable), use restrictions, and other factors that could affect the parking demand.

c. Approval of Special Study.

i. The City Engineer and Planning Administrator may approve the Special Study.

ii. The Special Study, if denied, may be appealed to the Planning Commission. The City Engineer and Planning Administrator reserve the right to refer the study to the Planning Commission for review and approval for any reason.

iii. A Special Study may be submitted as the basis for requesting a reduction of parking requirements by demonstration of lesser demand management, subject to:

1. The City able to retain a qualified traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the City;

2. The comparability of the uses being documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that were considered by the traffic engineer that could affect parking demand; and

3. Planning Commission review and approval.

Table 1 Residential and Commercial Use of the Home Parking Requirements	
Use	Required Off-Street Parking Spaces
Residential Uses (Housing Types)	
Single-Family Detached	

Table 1 Residential and Commercial Use of the Home Parking Requirements	
Use	Required Off-Street Parking Spaces
- Industrialized Housing	2 spaces per du.
- Single-Family Detached	2 spaces per du.
- Manufactured Home	2 spaces per du.
Single-Family Attached	
- Duplex	2 covered spaces per du.
- Triplex	2 spaces per du.
- Townhouse	2 spaces per du.
- Live-Work Unit	3 spaces per du.
Multi-family	
Apartment	2 spaces for efficiency unit and 1 BR; 3 spaces per du for 2 BR; 4 spaces per du for 3 BR (min. 30% covered parking)
Special Neighborhood Types	
Planned Cluster	Individual spaces as set out above + 1 visitor space per each 5 dwelling units
Manufactured Home Park or Subdivision	Individual spaces as set out above + 2 visitor spaces per each 5 manufactured home spaces
Recreational Vehicle (RV) Park	1 space per RV pad (not including RV space) + 2 visitor spaces for each 5 recreational vehicle spaces
Commercial Uses of the Home	
Child-Care, Family Home	1 space per each 3 children on the premises at any one time + 1 space per each provider, staff member, or employee on duty at any one time
Child-Care Facility, Group Home	Greater of: 1 space per 3 rooms or 1 space per BR
Child-Care Facility, Residential (foster home/agency foster home)	Greater of: 1 space per 3 rooms or 1 space per BR
Child-Care Facility, Residential (other)	Greater of: 1 space per 3 rooms or 1 space per BR
Home Occupation	No additional parking required

Table 2 Institutional, Recreation and Amusement Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Institutional Uses	
Assisted Living Facility	1 space per 3 du's; if not configured as individual du's; 1 space per each employee + 1 space for each 4 beds
Child Care Facility, Day-Care	1 space per 300 sf. PFA
Hospitals	Special Study. *See* subsection [5], *Special Study*.
Medical Office / Clinic / Medical Lab	1 space per 250 sf. PFA
Nursing / Convalescent Home	1 space per 3 beds + 1 space per 2 employees on the largest shift
Place of Public Assembly (event facilities, meeting halls, fraternal organizations; places of worship)	1 space per 200 sf. PFA
Schools, Elementary and Middle	1 space per 20 students Fewer spaces as determined by Special Study. See subsection [5], Special Study.
Schools, High	1 space per 20 students Fewer spaces as determined by Special Study. See subsection [5], Special Study.

Table 2 Institutional, Recreation and Amusement Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Institutional Uses	
Recreation and Amusement Uses	
Commercial Amusement, Indoor	6 spaces per 1,000 sf.
Commercial Amusement, Outdoor	Special Study. *See* subsection [5], *Special Study*.
Golf Course / Club	3 spaces per hole + 3 spaces per 4 driving range stations (if applicable)
Recreation and Fitness, Indoor	1 space per 300 sf. PFA
Recreation and Fitness, Outdoor	Greater of: 1 space per each 5 persons seat capacity + 1 space per each 4 seats; or 1 space per each 30 sf. PFA

Table 3 Commercial Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Commercial Uses	
Alcohol Beverage Sales	On-site consumption: 1 space per 75 sf. PFA Off-site consumption: 1 space per 300 sf. PFA
Animal Grooming Facilities	1 space per 400 sf. PFA
Animal Boarding or Veterinarian Services, Large Animal	1 space per 200 sf. PFA
Animal Boarding or Veterinarian Services, Small Animal	1 space per 300 sf. PFA
Bar or Nightclub	1 space per 75 sf. PFA
Drive-In, Drive-Through Facility	1 space per 75 sf. PFA
Retail / Home Center	1 space per 200 sf. PFA + 1 space per 1,000 sf. outdoor sales and display area
Nursery / Greenhouse, Retail	1 space per 300 sf. PFA of office or sales floor area + 1 space per 5,000 sf. of outdoor nursery area
Office, General	1 space per 250 sf. PFA
Overnight Accommodations (hotels, motels)	1 space per guest room + 1 space per 300 sf. PFA of meeting rooms, ballrooms, administrative offices, and areas used for self-service breakfast for guests only + 75% of parking requirements for integrated restaurants and bars that are open to the public
Pawn Shop	1 space per 200 sf. PFA
Restaurant	1 space per each 100 sf. PFA
Vehicle Gas or Fueling Station	1 space per 250 sf. PFA
Vehicle Sales, Rental, and Service	1 space per employee on maximum shift + 3 spaces per service bay or fueling stall + 1 space per 125 sf. PFA of convenience store floor area
Wholesale Uses	1 space per 1 employee + 1 space per business vehicle parked on-site + 2 spaces for customer parking

Table 4 Agriculture, Industrial, Transportation, Utility and Communication Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Agriculture, General	
Agriculture, General	N/A
Nursery / Greenhouse, Wholesale	1 space per 300 sf. PFA of office or sale floor area + 1 space per 5,000 sf. of outdoor nursery
Industrial	
Heavy Industry	Special Study. *See* subsection [5], *Special Study*.
Light Industry	1 space per 400 sf. PFA
Mining / Extraction	1 space per employee on the largest shift
Oil / Gas Operations	1 space per employee on the largest shift
Storage, Self	1 space per 25 storage units + 1 space per 300 sf. of office space
Storage Yard	1 space per 300 sf. PFA
Vehicle Wrecking and Salvage Yard; Junkyard	1 space per 3 stalls
Warehousing	4 spaces per 5,000 sf. of PFA + 1 space over each additional 5,000 sf. PFA
Waste Transfer Station / Recycling Collection Facility	1 space per 500 sf. facility
Transportation Uses	
Helistop	Special Study. *See* subsection [5], *Special Study*.
Parking, Stand-Alone	No minimum
Rail Yard	Special Study. *See* subsection [5], *Special Study*.
Utility Uses	
Power Generation, Small-Scale (renewable, noncombustible)	Special Study. *See* subsection [5], *Special Study*.
Power Generation, Utility Scale	Special Study. *See* subsection [5], *Special Study*.
Public Utilities	Special Study. *See* subsection [5], *Special Study*.
Wireless Telecommunication Tower Uses	
WTT, Attached	1 space per each free standing facility (may be grass pavers)
WTT, Freestanding	2 spaces per tower

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, including the parking and paving setbacks required by subsection 6-416 (5), limited to and in accordance with the items referenced in this section.

(2) The purpose of a special exception as it pertains to this section 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 (1) lot, shall be permitted.

c. The special exception may allow for the reduction of parking requirements in an amount not exceeding twenty-five (25) percent of the parking required for that use under this article.

(6) Application requirements. A completed application, as provided by the planning department for a special exception shall be accompanied by the following:

a. 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.

b. A site plan of the subject property.

c. 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 tenth day before the date in which the special exception is considered by the city council, to each owner of real property located within two hundred (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 tenth 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.

Sec. 6-420. - Outdoor displays of motor vehicles; paving requirements.

(1) Definitions.

a. *Motor vehicle* shall mean a self-propelled vehicle required to be registered under the Texas Transportation Code, and is designed for use on a public roadway, regardless if the motor vehicle is operable, inoperable or dismantled.

b. *Outdoor display area(s)* shall mean an area for the outdoor display of motor vehicles that are available for rent, sale, lease or storage.

c. *Residential property* means an establishment serving a single-family or household.

(2) Outdoor display areas, paving requirements. All outdoor display areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.

a. Outdoor display of motor vehicles shall not be displayed on areas that are designated for off-street parking or are included in the computation for designated off-street parking (unless the off-street parking spaces available exceed the number of spaces required for off-street parking), areas designated for landscaping, grass, dirt, gravel or other unimproved surfaces.

b. Display of one (1) motor vehicle for sale on residential property shall not be considered an outdoor display area for purposes of this section.

c. Outdoor display areas of motor vehicles that require proper screening pursuant to applicable city ordinances shall comply with screening requirements in addition to paving.

d. Outdoor display areas shall not encroach into the sight visibility triangle.

(3) Outdoor display areas in existence at time of enactment of this article. A person owning, renting, leasing, or operating an outdoor display area on the date of enactment of this article shall have a period of six (6) months from the date of enactment of this article in which to comply with the paving requirements set forth in subsection 6-417(b) of this article. This section shall only apply to outdoor display area(s) as it existed on the date of enactment of this article. Should an existing outdoor display area(s) be enlarged or expanded prior to the end of the six-month period, the entire outdoor display area(s) shall be required, at time of enlargement or expansion, to comply with subsection 6-417(b).

Sec. 6-421. – Shared Parking

(1) Generally. The City Council recognizes that uses may have different hours of operation and peak parking demand hours. The City desires to encourage the sharing of parking for its potential to reduce impervious surfaces and / or enhance the efficiency of land use. Thus, where a mix of uses creates synergy with respect to the utilization of parking spaces due to differences in peak use, the City may reduce the required number of off-street parking spaces according to the provisions of this Section.

(2) Shared Parking Table. Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

a. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (except car share programs), by the appropriate percentage listed in Table 5, Shared Parking Table, for each of the designated time periods.

b. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums. Table 6, Illustrative Shared Parking Credit Calculation, provides an example of how to use Table 5, Shared Parking, to calculate required parking.

c. In general, the maximum reduction allowed by Table 5, shall be 25 percent. However, a greater reduction is permitted, provided that:

i. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the City Engineer determine that they are necessary; and

ii. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the City Engineer.

(3) Adjoining Property Owners. Property owners on adjoining properties may enter into contractual agreements for shared off-street parking provided that there is enough total parking available to meet the overall parking requirements of both sites.

Table 5 Shared Parking Table					
	Weekday			Weekend	
Use	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

Table 6 Illustrative Shared Parking Credit Calculation					
EXAMPLE: A mixed-use building has 50 2-bedroom residences, 50,000 square feet of office space, and 50,000 square feet of retail space. Separately, these uses would require 600 parking spaces [(50 sp. x 3 sp. / unit) + (50,000 sf. x (1 sp. / 250 sf.)] + [50,000 sf. x (5 sp. / 1,000 sf.)] = 600. However, combined, they could share 465 parking spaces.					
	Weekday			Weekend	
Use	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential 150 spaces	100% x 150 = 150	60% x 150 = 90	90% x 150 = 135	80% x 150 = 120	90% x 150 = 135
Office 200 spaces	5% x 200 = 10	100% x 200 = 200	10% x 200 = 20	10% x 200 = 20	5% x 200 = 10
Retail / Commercial 250 spaces	5% x 250 = 13	70% x 250 = 175	90% x 250 = 225	100% x 250 = 250	70% x 250 =175
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	173	465	380	390	320

TABLE NOTE:
[1] The largest number, 465, is the number of parking spaces that are required. This example is a 22.5 percent reduction compared to individual calculations.

Secs. 6-422—6-424. - Reserved."

Section 3. Any person who violates any provision of this Ordinance 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 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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.

Section 5. This Ordinance shall be cumulative of all provisions of ordinances of the City of Rosenberg, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 6. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

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 16th day of August 2016.

ATTEST:

Linda Cernosek, **City Secretary**

APPROVED:

Cynthia A. McConathy, **Mayor**

APPROVED AS TO FORM:

Cynthia Trevino, **City Attorney**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.