

**CITY OF HEATH
ORDINANCE NO. 220927F**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING TITLE IX, "GENERAL REGULATIONS", OF THE CITY'S CODE OF ORDINANCES § 159.64 "NONRESIDENTIAL PARKING REQUIREMENTS," and § 159.65 "OFF-PREMISES LOCATION OF PARKING," OF CHAPTER 159, "ZONING", OF THE CODE OF ORDINANCES; DECLARING A NUISANCE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A PENALTY OF UP TO \$500.00 FOR EACH VIOLATION AND A SEPARATE VIOLATION SHALL BE DEEMED COMMITTED UPON EACH DAY THE VIOLATION OCCURS OR CONTINUES; PROVIDING SAVINGS, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Heath, Texas (the "City") is a home rule municipality operating pursuant to the laws of the State of Texas and its Charter, by and through its duly elected City Council ("Council") members; and

WHEREAS, the City Council desires to amend the City's current parking requirements to determine their effectiveness in providing the necessary amount of parking that would be self-contained on the same lot containing a nonresidential use; and

WHEREAS, the City may have new nonresidential developments in the future and the City Council believes that a consistent and enforceable shared parking agreement may be necessary for those developments requiring off-site parking; and

WHEREAS, it is the intent of the City to protect and promote the health, safety and welfare of the public at large; and

WHEREAS, the City Council deems it necessary, expedient, and in the City's best interest to adopt these amendments to its Code.

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

Section 1. Incorporation of Premises. All of the above premises are found and determined to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Code Amended. That Section 159.64 "NONRESIDENTIAL PARKING REQUIREMENTS," of the City's Code of Ordinance is hereby amended as shown in the attached Exhibit "A" incorporated herein by reference with all other provisions of Chapter 159 not herein amended to remain in full force and effect:

Section 3. Code Amended. That Section 159.65 "OFF-PREMISES LOCATION OF PARKING," of the City's Code of Ordinance is hereby amended as shown in the attached Exhibit "A" incorporated herein by reference with all other provisions of Chapter 159 not herein amended to remain in full force and effect:

Section 4. Savings and Cumulative Repealer Clause. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose, the Ordinance shall remain in full force and effect.

Section 5. Severability Clause. If any section, subsection, clause, phrase, or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 6. Penalty. Any person, firm, or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

Section 7. Publication/Effective Date. This Ordinance shall become effective immediately upon its passage and publication of its Caption as required by law and Charter.

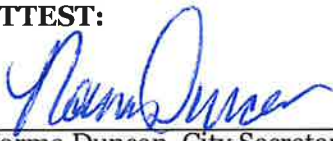
PASSED AND APPROVED by the City Council of the City of Heath, Texas, on this 27th day of September 2022.

APPROVED:



Kelson Elam, Mayor

ATTEST:



Norma Duncan, City Secretary



APPROVED AS TO FORM:


Marie Johnson, City Attorney

EXHIBIT "A" TO ORDINANCE

MINIMUM OFF-STREET REQUIREMENTS

§ 159.60 PURPOSE.

It is the purpose of this section to state the guidelines for providing off-street parking space consistent with the proposed land use in order to:

- (A) Eliminate occurrence of nonresident on-street parking in adjoining neighborhoods;
- (B) Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking space; and
- (C) Expedite the movement of traffic on public thoroughfares by prohibiting curb parking.

(2005 Code, § 12-5-1)

§ 159.61 OFF-STREET PARKING SPACES REQUIRED.

In all districts, for every use, there shall be provided at the time any building or structure is erected or enlarged or increased in capacity, or at the time any other use is established, off-street parking spaces for automobiles in accordance with the requirements specified herein.

(2005 Code, § 12-5-2)

§ 159.62 NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

(A) The number of off-street parking spaces required shall be determined in the requirements of the individual district, and as follows.

(B) The classification of uses referred to shall be deemed to include and apply to all uses.

(C) If for any reason the classification of any use, for the purpose of determining the amount of off-street parking space to be provided by the use, is not readily determinable hereunder, and the classification and requirements for the use shall be determined by the Planning and Zoning Commission.

(2005 Code, § 12-5-3)

§ 159.63 RESIDENTIAL PARKING REQUIRED.

(A) Two paved parking spaces per dwelling unit shall be provided for the following, with the parking area located on the same lot as the main building or buildings, except as otherwise provided:

- (1) Single-family dwellings, including townhouses; and
- (2) Two-family (duplex) dwellings.

(B) Two and one-half paved parking spaces per dwelling unit shall be provided for townhouse dwellings with front entry garages.

(C) An enclosed garage shall not be considered toward meeting the off-street parking requirements.

(D) The minimum number of paved, striped off-street parking spaces per dwelling unit required for multi-family dwelling units or condominiums:

(1) Zero bedroom or efficiency dwelling unit: one and one-half spaces per unit;

(2) One bedroom dwelling units: one and one-half spaces per unit;

(3) Two bedroom dwelling units: two spaces per unit;

(4) Three or more bedroom dwelling units: two and one-half spaces per unit; and

(5) The average number of parking spaces for the total development shall not be less than two spaces per unit.

(2005 Code, § 12-5-4)

§ 159.64 NONRESIDENTIAL PARKING REQUIREMENTS.

(A) Retail and Commercial uses, unless otherwise mentioned in this section:

(1) One (1) space for each two hundred (200) square feet of floor area up to five thousand (5,000) square feet; and

(2) Then one (1) space for one hundred seventy-five (175) square feet of floor area in excess of five thousand (5,000) square feet.

(B) Restaurant, private club, café or similar recreation or amusement establishment:

(1) One (1) space per three (3) seats for both indoor and outdoor dining areas at maximum seating capacity; and

(2) One (1) space per one and a half (1.5) seats at the bar area at maximum seating capacity.

(C) Churches, temples, and assembly halls: one space for each three seats in the main auditorium or seating area.

(D) General Office Buildings: One (1) space for each two hundred (200) square feet of floor area.

(E) Medical or dental clinic: one space for each 150 square feet.

(F) Salons, Spas, and Barber Shops: Two (2) spaces for each one seat used to serve customers.

(G) Day nurseries, daycare centers, and kindergartens with over four children: one parking space for each 300 square feet of floor area, plus an off-street drive and loading space for a minimum of four cars for the transferring of passengers.

(H) Accessory or associated recreational or community buildings: one space for each 100 square feet of area.

(I) Schools (except high school or college): one and one-half spaces for each classroom.

(J) High schools: one parking space for each three students.

(K) Technical or junior college: three-tenths of a space per each seven square feet of classroom seating area.

(L) College: four-tenths of a space per each seven square feet of classroom seating area.

(M) Outdoor play fields for soccer, baseball, football, rugby, lacrosse, and similar types of sports: Fifteen (15) spaces for each field.

(N) Golf Course:

(1) Four (4) spaces per golf green; and

(2) Two (2) spaces per employee.

(O) Plans exam procedures for multi-tenant office or retail building finish-out permits shall require the submittal of a site plan depicting parking quantities and locations for all existing and proposed uses located within the multi-tenant office or retail building on the same lot reflects the total combined required parking for all uses.

(1) If a new tenant use, proposed for a multi-tenant office or retail building, would add additional parking demand above the number of spaces available on the lot, the Building Inspector shall deny the tenant finish permit, or the Certificate of Occupancy (CO), for deficient on-site parking.

(2) Tenant finish-out permits or COs that are denied for deficient on-site parking may be permitted to park the excess parking demand on a Shared Parking Lot as provided herein in § **159.65**

(3) Where a Shared Parking Lot is not available to contain the deficient amount of parking, the permit applicant may request a parking variance from the City Council. The City Council shall review the variance request at a public hearing.

(2005 Code, § 12-5-5)

§ 159.65 SHARED PARKING LOTS.

For any use, building, or structure where the required off-street parking, or surplus parking, cannot be provided on the lot or premises such parking may be provided on adjoining property as a shared parking lot.

(1) The shared parking area shall be on an adjoining lot with the same ownership as the main building being served.

- (2) The lot upon which the shared spaces have been constructed shall be within two hundred feet (200') of the main building entrance being served.
- (3) A shared parking lot shall not be located on residentially zoned property, including multi-family zoned property.
- (4) A recorded agreement shall be established for the shared parking lot that shall expire after a maximum period of two (2) years and may be eligible for renewal with City Council approval.

(2005 Code, § 12-5-6)

§ 159.66 CLARIFICATION, EXCEPTION, AND MODIFICATION OF OFF-STREET PARKING REQUIREMENTS.

(A) No parking space located on a public street or alley may be included in the calculation of off-street parking requirements.

(B) Parking spaces used for the parking of trucks or buses shall not be counted towards meeting the requirements of this section.

(C) When the computation for the number of parking spaces required under this subchapter results in the requirement of a fractional space, the fractional space requirement shall be satisfied by adding one additional space to the whole-space total.

(D) When a lot is used for a combination of uses, the off-street parking requirements are the sum of the requirements for each use, and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use, except as provided in §§ 159.60 to 159.68.

(E) Except for single-family, duplex and townhouse uses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is prohibited, and on all existing uses is excluded in computing off-street parking requirements.

(F) The parking space required for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(G) After the effective date of this subchapter, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this subchapter is enlarged to the extent of 50% or more in floor area used, the building or use shall then and thereafter comply with the parking requirements set forth herein.

(H) Parking and storage of vehicles shall be in accordance with the city's abandoned and junk vehicle ordinance.

(I) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to

be mounted on automotive vehicles), motorized dwellings, tent trailers and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in a residential district except in a carport or enclosed building or behind the portion of a building nearest to a street, provided, however, that the equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for the use, except as specified in this subchapter.

(2005 Code, § 12-5-7)

§ 159.67 OFF-STREET LOADING REQUIREMENTS.

(A) All retail structures shall provide and maintain off-street facilities for the loading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive in accordance with the following requirements.

(B) Any department store or retail establishment which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for the use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high, and 35 feet long in accordance with the following table. There shall be sufficient space to insure that all maneuvering required to utilize the loading space will not include street right-of-way.

<i>Square feet of aggregate gross floor area</i>	<i>Required number of berths</i>
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 to 409,000	7
For each additional 90,000 over 490,000	1 additional

(2005 Code, § 12-5-8)

§ 159.68 DESIGN AND CONSTRUCTION STANDARDS OF OFF-STREET PARKING.

All parking areas and spaces shall be designed and constructed in accordance with the following requirements.

(A) All parking areas and spaces shall be designed and constructed so as to have free ingress and egress at all times.

(B) No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of one and two-family dwelling units.

(C) Minimum dimensions for off-street parking:

(1) Ninety-degree angle parking: each parking space shall not be less than nine feet in width and 18 feet in length. Maneuvering shall be not less than 24 feet. Designed small car parking spaces shall not be less than eight feet in width and 16 feet in length;

(2) Sixty-degree angle parking: each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 20 feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than 16 feet perpendicular to the building or parking line. Designated small car parking spaces shall not be less than eight feet in width and 18 feet in length;

(3) Forty-five-degree angle parking: each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 18-1/2 feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than 12 feet perpendicular to the building or parking line. Designed small car parking spaces shall not be less than eight feet in width and ten feet in length;

(4) When off-street parking facilities are located adjacent to a public alley, the width of the alley may be utilized as a portion of the maneuvering space requirement, provided the alley is paved. Twenty percent of the total parking requirements may be used as small car parking with 80% of that total being grouped and designed for that use; and

(5) When off-street parking facilities are provided in excess of minimum amounts herein specified, or when off-street parking facilities are provided, but not required by this chapter, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

(D) Pavement standards: unless otherwise approved by the City Council, all parking lots shall be paved according to city standards and specifications. The parking lanes must be clearly marked by approved paint, buttons or other material. All driveway approaches shall be constructed of concrete and shall be curbed to city standards.

(E) No parking area shall be designed or constructed which ends in a dead end, unless adequate turnaround space is provided.

(F) All entrances or exits in a parking lot shall be a minimum of 30 feet from the beginning point of any corner radius.

(G) All entrances or exits in a parking lot shall be a minimum of 24 feet and a maximum of 45 feet in width, unless one-way, in which case they shall both be a minimum of 12 feet.

(H) The driveway approach angle to any parking area shall be a maximum of 16 degrees, the departure angle a maximum of ten degrees, the ramp angle a maximum of 11 degrees, or otherwise shall be approved by the City Engineer.

(I) No parking areas or parking spaces shall be allowed to pave over or utilize public right-of-way, with the exception of approved entrances and exits, unless an exception is granted by the Planning and Zoning Commission.

(J) Any lighting used to illuminate any off-street parking area shall be so designed and constructed as to direct the light to the property and away from any adjoining property or street.

(K) All multi-family and commercial parking areas and parking spaces shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area. In accordance, all off-street parking areas shall be effectively screened on each side by a buffer as herein defined, from any adjoining property zoned single-family, townhouse or duplex.

(L) No occupancy permit shall be issued by the Building Inspector of the city until the terms and conditions of this subchapter have been met.

(2005 Code, § 12-5-9)