

**ORDINANCE NO. 2006-23**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING SECTION 14-475 AND SUBSTITUTING THEREFOR A NEW SECTION 14-475, PROVIDING FOR OFF-STREET PARKING REQUIREMENTS FOR MULTIFAMILY DWELLING COMPLEXES AND A MULTIFAMILY DWELLING COMPLEXES FOR SENIOR CITIZENS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Section 14-475 and substituting therefor a new Section 147-475 to provide as follows:

**“Sec. 14-475. Off-street parking.**

(a) Except as provided in paragraph (b) of this section, each dwelling unit within a multifamily dwelling complex shall be provided with on-site off-street parking as follows:

- (1) Two (2) parking spaces for each one bedroom unit;
- (2) Two and one-half (2.5) parking spaces for each two bedroom unit; and;
- (3) Three (3) parking spaces for each three bedroom unit.

(b) In a multifamily dwelling complex restricted to senior citizen residents that meets the qualifications enumerated in paragraph (c) below, each dwelling unit shall be provided with on-site street parking as follows:

- (1) One and one-half (1.5) parking spaces for each one bedroom unit; and
- (2) One and seven-tenths (1.7) parking spaces for each two and three bedroom unit.

(c) Qualification as a multifamily dwelling complex restricted to senior citizen residents must meet the following minimum criteria:

- (1) Shall be restricted to households in which all members are sixty-two (62) years of age or older; or

(2) Shall be restricted to households in which at least one member is fifty-five (55) years of age or older; and

(3) Shall, in any circumstance, be restricted by recorded agreement or covenant to occupancy by older persons as defined in the Federal Fair Housing Act, for a minimum of 30 years.

(d) If a multifamily dwelling complex for senior citizens fails to meet and maintain the minimum criteria described in paragraph (c) above, then such dwelling complex will be required to immediately comply with the on-site off-street parking requirements applicable to standard multifamily dwelling complexes, as set forth in paragraph (a) above.

(e) All parking areas shall be constructed of the same material as the adjoining street, or of concrete. No on-street parking shall be permitted. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device in accordance herewith and in accordance with other applicable city specifications.”

**Section 2.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 3.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. 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 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 Tomball, 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.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20<sup>TH</sup> DAY OF NOVEMBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>ABSENT</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4<sup>TH</sup> DAY OF \_\_DECEMBER, 2006.

COUNCILMAN QUINN	<u>ABSENT</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(signed) H. G. Harrington  
H. G. HARRINGTON, Mayor

ATTEST:

(signed) Doris Speer  
DORIS SPEER, City Secretary