

ORDINANCE NO. 2007-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY RENUMBERING PARAGRAPH (30) OF SUBSECTION (a) OF SECTION 14-487 THEREOF TO NOW READ AS PARAGRAPH (31) OF SUCH SUBSECTION, AND ADDING A NEW PARAGRAPH (30) TO SUBSECTION (a) OF SECTION 14-487 THEREOF, ESTABLISHING OFF-STREET PARKING REQUIREMENTS FOR SHOPPING CENTERS; BY DELETING SUBSECTION (e) OF SECTION 14-487 THEREOF, AND SUBSTITUTING THEREFOR A NEW SUBSECTION (e) OF SECTION 14-487, REFERENCING THE PARAGRAPH ESTABLISHING METHOD FOR COMPUTING REQUIRED PARKING SPACES OF SHOPPING CENTERS; BY DELETING PARAGRAPH (4) OF SUBSECTION (o) OF SECTION 14-487 THEREOF, AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (4) OF SUBSECTION (o) OF SECTION 14-487, ALSO REFERENCING THE PARAGRAPH ESTABLISHING METHOD FOR COMPUTING REQUIRED PARKING SPACES OF SHOPPING CENTERS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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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 renumbering Paragraph (30) of Subsection (a) of Section 14-487 thereof to now read as paragraph (31) of such Subsection, and adding a new paragraph (30) to subsection (a) of Section 14-487 thereof, to provide as follows:

“Sec. 14-487. Off-street parking and design standards.

(a) All commercial, institutional, governmental, and industrial establishments in the city, other than those within the "Old Town" area as set forth in Division 8 herein, shall provide parking as follows:

* * *

(30) *Shopping center.* Four and one-half spaces per 1,000 square feet of floor area. “Shopping Center” shall be defined as a group of commercial establishments, and shall include all uses other than industrial or residential, contained in a building or buildings encompassing a total building area in excess of 100,000 square

feet, developed as an integrated unit under either common ownership or subject to a reciprocal easement agreement or similar arrangement with on-site parking.

(31) *Other.* General warehouse, wholesale, light industrial, open bulk storage and manufacturing facilities shall provide the following parking and loading spaces:

a. One and three-quarters space per two employees on largest shift; plus one space per local driver, salesman or service man; plus one space per each local company vehicle; or one space per 800 gross square feet of floor space, whichever is greater.

b. One truck loading space at least 12 feet in width, 15 feet in length, and 14 feet of height clearance on the property for the first 5,000 to 20,000 square feet of gross industrial or commercial floor area, plus one such truck loading space for each additional 20,000 square feet, or part thereof.”

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Subsection (e) of Section 14-487 thereof, and substituting therefor a new Subsection (e) of Section 14-487, to provide as follows:

“Sec. 14-487. Off-street parking and design standards.

* * *

(e) Whenever the use of a building or portion thereof changes, the new use shall meet the off-street parking requirements of this section prior to issuance of a certificate of occupancy or approval by the appropriate building inspectors, except that *Shopping Centers* shall be computed as defined above.”

Section 3. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Paragraph (4) of Subsection (o) of Section 14-487 thereof, and substituting therefor a new Paragraph (4) of Subsection (o) of Section 14-487, to provide as follows:

“Sec. 14-487. Off-street parking and design standards.

* * *

(o) Computing parking space requirements.

* * *

(4) For mixed uses, the parking space requirements shall equal the sum of the requirements of the various uses computed separately, except that *Shopping Centers* shall be computed as defined above.”

Section 4. 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 5. 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 19TH DAY OF NOVEMBER 2007.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF DECEMBER 2007.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(signed) Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

(signed) Doris Speer
Doris Speer, City Secretary