

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: August 4, 2015		DATE SUBMITTED: July 20, 2015	
DEPARTMENT OF ORIGIN: Water Services		SUBMITTED BY: M. Jurica	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consider revision of an ordinance modifying Chapter 118 "Traffic and Vehicles" of the City of Bryan Code of Ordinances by amending Section 118-88(b).			
<p>SUMMARY STATEMENT: Water Services respectfully requests the City Council approve amendment of Section 118-88(b) of the Bryan Code of Ordinances that governs unimproved parking of vehicles. Currently, unimproved parking of vehicles is restricted to ordinance-defined zoning districts and properties used for dwelling purposes. A shortfall in the ordinance allows unimproved parking of vehicles in zoning districts not identified by the ordinance and vacant lots located in such. The proposed language will uniformly restrict unimproved parking citywide (vacant and developed properties). An exemption to regulation is proposed for industrial zoned areas.</p> <p>Current language allows gravel to be used as an accepted alternative for satisfying the ordinance's "hard surface" requirement. Alternative surfaces have inconsistently been allowed over many years. Examples include gravel, bricks, blocks, etc. Staff recommends that alternative surfaces be removed from the ordinance leaving concrete and asphalt as the accepted surface types. Staff proposes this requirement be applied to new construction; grandfathering will be allowed for alternative surfaces installed before September 1, 2015. Grandfathered surfaces will be allowed to be maintained but may not be expanded or replaced by alternative surface type materials.</p> <p>Adopting staff's recommended change to Section 118-88(b) will provide staff with the ability to uphold standards for unimproved parking citywide. Background concerning the recommended ordinance change was included in a code enforcement presentation made by staff during the March 24, 2015, and May 26, 2015, Bryan City Council Workshops.</p>			
STAFF ANALYSIS AND RECOMMENDATION: Water Services respectfully requests City Council approval of the recommended changes to Chapter 118 "Traffic and Vehicles". Approval of the proposed changes will improve neighborhood integrity and community aesthetics relating to parking of vehicles and equipment.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve proposed ordinance change 2. Do not approve the proposed ordinance change and provide alternative direction 			
ATTACHMENTS: Proposed Ordinance Amendment			
FUNDING SOURCE: N/A			
APPROVALS: Hugh R. Walker, 07/22/2015			

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis Hampton, 7/23/15

Revised 05/2013

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 118 OF THE BRYAN CITY CODE OF ORDINANCES, BY AMENDING SECTION 118-88, ARTICLE II, DIVISION 3; CLARIFYING REQUIREMENTS GOVERNING UNIMPROVED PARKING OF VEHICLES AND EQUIPMENT; PROVIDING FOR EXCEPTIONS AND DEFENSES; RESERVING ADDITIONAL SECTIONS AS NEEDED; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, parking of vehicles and equipment on unimproved surfaces can be unattractive to individuals living on neighboring properties; and

WHEREAS, the City's current parking ordinance does not uniformly restrict unimproved parking of vehicles and equipment and can be confusing; and

WHEREAS, the Council wishes to preserve the City's overall beauty and the quality of life for all citizens of Bryan by ensuring vehicles and equipment are parked and stored in a manner that promotes a positive community;

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

Section 1.

That Chapter 118, Traffic and Vehicles, Article II, Division 3, Section 118-88 of the Bryan Code of Ordinances is hereby amended as follows:

“Sec. 118-88. - Parking, standing, or storing of vehicles, trailers.

- (a) It shall be unlawful for any person or any owner to leave, park or stand or to permit the parking or standing of any truck or other vehicle with a rated capacity in excess of one ton according to the manufacturer's classification, or any other motor home, trailer, truck-tractor, or recreational vehicle upon any public street, or public right-of-way within any part of the city.

A recreational vehicle owned by an out-of-town guest of a residential property owner may be parked on the street in front of the property owned by such person for a period not to exceed five days.

This section shall not apply to street construction, maintenance and repair equipment used by public service utility companies engaged in repairing or extending public service utilities and to motor buses when taking on or discharging passengers at customary bus stops, and all other vehicles designated herein when actually loading or unloading.

- (b) It shall be unlawful for any person or any owner to park, stand, or store or to permit the parking, standing or storing of any vehicle, recreational vehicle, motor home, trailer, boat or truck-tractor on any portion of a front or side yard, to include vacant properties, visible from a public right-of-way except on properties where the primary land use is industrial use, unless such area is part of a hard-surfaced driveway or parking area.~~public place in residential areas zoned AO, SF 7, SF 5, MU 1,~~

~~SC-R, and PD districts or on any premises which are used for one family, two family or multifamily dwelling purposes unless:~~

~~(1) Such area is part of a hard surfaced driveway or parking area; or~~

~~(2) Such area is a part of a gravel driveway or parking area bordered by cement curbing or similar permanent border to contain the gravel. Provided, however, the use of gravel for the expansion of a driveway or the addition of parking areas on a one family, two family or multifamily lot where existing parking areas or driveways are hard surfaced shall be prohibited.~~

(1) The term "hard-surfaced" as used herein shall mean an all-weather surface composed of asphalt or Portland cement pavement or other commonly accepted penetration surface which provides a durable, dustless surface and is approved by the city engineer.

(2) Any new driveway or parking area built after September 1, 2015, shall be built to the standard outlined above.

(3) Gravel driveways or parking areas in existence on September 1, 2015, shall be bordered by cement curbing or similar permanent border to contain the gravel, and gravel must cover all areas within the curbing or permanent border, without excessive weeds and grass growing through the gravel. A gravel driveway or parking area in existence on September 1, 2015, may be maintained, but may not be replaced by another gravel driveway or parking area, and must be replaced by a hard-surfaced parking area as required by this section.

(4) An exception to the prohibition in this section shall be parking on any gravel driveway or parking area which is bordered by cement curbing or similar permanent border to contain the gravel, so long as the driveway or parking area was constructed before September 1, 2015 and is constructed and maintained as required by Subsection (3) of this section, above. The burden of proof for this exception shall be on the person alleged to have violated this section.

This section shall be cumulative of all ordinances of the city except where the provisions of this section are in direct conflict with the provisions of ordinances relating to new construction or overlay districts, in which the conflicting provisions of such ordinances shall control.”

Section 2.

Violations of this ordinance shall be punishable by a fine not to exceed \$500.00, under Section 1.14 of the Bryan Code of Ordinances.

Section 3.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 5.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 6.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 7.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

Section 8.

This ordinance shall become effective after its final passage and publication as required by law, said date being _____.

PRESENTED AND GIVEN first reading the 4th day of August, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 25th day of August, 2015, by a vote of ____ ayes and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P .Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 118 OF THE BRYAN CITY CODE OF ORDINANCES, BY AMENDING SECTION 118-88, ARTICLE II, DIVISION 3; CLARIFYING REQUIREMENTS GOVERNING UNIMPROVED PARKING OF VEHICLES AND EQUIPMENT; PROVIDING FOR EXCEPTIONS AND DEFENSES; RESERVING ADDITIONAL SECTIONS AS NEEDED; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, parking of vehicles and equipment on unimproved surfaces can be unattractive to individuals living on neighboring properties; and

WHEREAS, the City's current parking ordinance does not uniformly restrict unimproved parking of vehicles and equipment and can be confusing; and

WHEREAS, the Council wishes to preserve the City's overall beauty and the quality of life for all citizens of Bryan by ensuring vehicles and equipment are parked and stored in a manner that promotes a positive community;

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

Section 1.

That Chapter 118, Traffic and Vehicles, Article II, Division 3, Section 118-88 of the Bryan Code of Ordinances is hereby added as follows:

“Sec. 118-88. - Parking, standing, or storing of vehicles, trailers.

- (a) It shall be unlawful for any person or any owner to leave, park or stand or to permit the parking or standing of any truck or other vehicle with a rated capacity in excess of one ton according to the manufacturer's classification, or any other motor home, trailer, truck-tractor, or recreational vehicle upon any public street, or public right-of-way within any part of the city.

A recreational vehicle owned by an out-of-town guest of a residential property owner may be parked on the street in front of the property owned by such person for a period not to exceed five days.

This section shall not apply to street construction, maintenance and repair equipment used by public service utility companies engaged in repairing or extending public service utilities and to motor buses when taking on or discharging passengers at customary bus stops, and all other vehicles designated herein when actually loading or unloading.

- (b) It shall be unlawful for any person or any owner to park, stand, or store or to permit the parking, standing or storing of any vehicle, recreational vehicle, motor home, trailer, boat or truck-tractor on any portion of a front or side yard, to include vacant properties, visible from a public right-of-way except on properties where the primary land use is industrial use, unless such area is part of a hard-surfaced driveway or parking area.

(1) The term "hard-surfaced" as used herein shall mean an all-weather surface composed of asphalt or Portland cement pavement or other commonly accepted penetration surface which provides a durable, dustless surface and is approved by the city engineer.

(2) Any new driveway or parking area built after September 1, 2015, shall be built to the standard outlined above.

(3) Gravel driveways or parking areas in existence on September 1, 2015, shall be bordered by cement curbing or similar permanent border to contain the gravel, and gravel must cover all areas within the curbing or permanent border, without excessive weeds and grass growing through the gravel. A gravel driveway or parking area in existence on September 1, 2015, may be maintained, but may not be replaced by another gravel driveway or parking area, and must be replaced by a hard-surfaced parking area as required by this section.

(4) An exception to the prohibition in this section shall be parking on any gravel driveway or parking area which is bordered by cement curbing or similar permanent border to contain the gravel, so long as the driveway or parking area was constructed before September 1, 2015 and is constructed and maintained as required by Subsection (3) of this section, above. The burden of proof for this exception shall be on the person alleged to have violated this section.

This section shall be cumulative of all ordinances of the city except where the provisions of this section are in direct conflict with the provisions of ordinances relating to new construction or overlay districts, in which the conflicting provisions of such ordinances shall control.”

Section 2.

Violations of this ordinance shall be punishable by a fine not to exceed \$500.00, under Section 1.14 of the Bryan Code of Ordinances.

Section 3.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 5.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 6.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 7.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

Section 8.

This ordinance shall become effective on the _____ day of _____, 2015, after its final passage and publication as required by law.

PRESENTED AND GIVEN first reading the 4th day of August, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 25th day of August, 2015, by a vote of ____ ayes and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P .Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney