

ORDINANCE NO. 13

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING SECTION 90 OF THE CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; FIXING PENALTIES FOR VIOLATION HEREOF AND PROVIDING A SAVINGS CLAUSE.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, Section 90 of the City of Commerce Code of Ordinances by adding Section 90-115 and Section 90-116; and

WHEREAS, it is in the best interest of the City of Commerce to amend Section 90.

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

SECTION 1. The recitals set forth above are hereby found by the Council to be true and correct, and are incorporated by reference herein and expressly made a part hereof as if copied verbatim.

SECTION 2. That Section 90 is being amended by adding the following sections.

*Section 90-115. Definitions:
For purposes of this article:*

Drive approach: shall mean the area within the right-of-way between the paved portion of a street or alley and the property line that connects a driveway or parking area or space to the street or alley and is used for ingress and egress to residential property. Residential drive approaches on improved streets (curb and gutter) shall be constructed with six inches of reinforced concrete according to city specifications. Residential drive approaches on unimproved streets (no curb and gutter) may be constructed with six inches of reinforced concrete or constructed with four inches of asphalt.

Driveway: shall mean an area between the drive approach and parking spaces used for vehicular ingress and egress to residential property. Residential driveways abutting improved streets (curb and gutter) shall be constructed with reinforced concrete or brick pavers according to city specifications. Residential driveways abutting unimproved streets (no curb and gutter) may be surfaced with reinforced concrete, brick pavers, or asphalt according to city specifications.

Front Yard: shall mean all areas between the front face(s) of the building and the front property line. See figures 1, 2, 3, and 4 of this article.

Improved surface: shall mean a driveway, parking space, or area constructed on private property with concrete, brick pavers, or asphalt, and which is intended to be used for the parking or storing of vehicles. An improved surface shall mean a single, continuous slab of Portland cement concrete poured to a depth of not less than four inches, with a minimum of 3,000 psi compressive strength, reinforced with No. 3 reinforcing bar at 18 inches on center, each way, or No. 4 reinforcing bar at 24 inches on center, each way, asphalt to a depth of not less than four inches with permissible gravel substitution up to 2 ½ inches (abutting unimproved streets), clay fired brick or paverstone, or an equivalent to be approved by the building official.

Improved Street: shall mean a street with curbs and gutters.

Parking space: shall mean an area used for the parking of motor vehicles not within the street or alley right-of-way, nor consisting of the drive approach, driveway or drive aisle. Residential parking spaces on properties abutting improved streets (curb and gutter) shall be constructed with reinforced concrete or brick pavers according to city specifications. Residential parking spaces on properties abutting unimproved streets (no curb and gutter) may be surfaced with reinforced concrete, brick pavers, or asphalt according to city specifications.

Rear Yard: shall mean all areas between the rear face(s) of the building and the rear property line. See figures 1, 2, 3, and 4.

Residential Property: shall mean any property occupied by single family, duplex or apartment dwellings.

Side Yard: shall mean all areas between the side face(s) of the building and the side property line, and between the front face(s) of the building and the rear property line. See figures 1, 2, 3, and 4 of this article.

Unimproved Surface: shall mean a driveway or area that does not meet the requirements included in the definition of improved surfaces.

Unimproved Street: shall mean a street with no curbs and gutters.

Vehicle: shall mean every device, motorized or non-motorized, the licensing or registration of which is required by the laws of Texas or any other state or country, in, upon or by which an person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Sec. 90-116. Parking on unimproved surface prohibited.

- (a) It shall be unlawful for any person to drive, leave, stand or park or allow to be parked any vehicle on an unimproved surface in a front yard or side yard on any property used for residential purposes.*
- (b) Parking or standing of vehicles is permissible on an unimproved surface if an existing residence is served by a driveway which does not constitute an improved parking surface as of August 20, 2013. Vehicles shall be placed on material (gravel with border or asphalt) that is large enough to accommodate the overall dimensions of any vehicle parked or stored thereon, not just under the wheels. Borders for gravel driveways shall be constructed of a durable material securely anchored or bordered by means approved by the building official. Extensions of an unimproved driveway are permitted if the unimproved driveway was in existence as of August 20, 2013. Extensions of unimproved driveways by a concrete surface or brick pavers are also permitted. Asphalt overlays of not less than 1 ½ inches is permitted over existing concrete, asphalt, or gravel driveways. No extension of an existing unimproved driveway may be made with asphalt shingles or roofing materials.*
- (c) This section shall not apply to the parking or storing of vehicles if the vehicles are parked in the rear yard as that term is defined in this article and per figures 1, 3, and 4. Vehicles parked in the rear yards of lots with double frontage (figure 2) shall be screened from view from the street right-of-way behind a six foot solid screening fence, as authorized by the applicable codes and ordinances of the city. Live screening/hedges, at least six feet tall, is permissible as solid screening.*
- (d) This section shall not apply to the parking or storing of vehicles in a side yard when located behind a solid screening fence of at least six feet tall authorized by applicable codes and ordinance of the city. If vehicles are located in the side yard of a corner lot, the vehicles shall be screened from view from*

both public streets and rights-of-way. Live screening/hedges, at least six feet tall, is permissible as solid screening.

- (e) No driveway or improved parking surface shall cover more than 50 percent of the residential front yard. Sixty-five percent coverage of the front yard may be permitted for circular drives. No driveway or improved parking surface shall cover more than 30 percent of the combined residential side and rear yards.*
- (f) It shall be unlawful for any person to leave, stand or park or allow to be parked any vehicle on a vacant lot. It shall be lawful, however, to leave, stand, or park or to allow to be parked on an improved surface a maximum of three vehicles on a vacant lot, only if the vacant lot abuts and has common ownership with the lot on which the primary dwelling exists. The requirements of subsections (a), (d) and (e) of this section shall apply to such vacant lots.*
- (g) It shall be unlawful for an operator of any vehicle to drive over a raised curb to park or stand a vehicle on property used for residential purposes.*
- (h) It shall be unlawful to leave, stand or park a vehicle on a public sidewalk or on any part of a sidewalk or parkway area including the extension of a public sidewalk across a driveway except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device.*
- (i) Parallel parking on city rights-of-way adjacent to unimproved streets is permitted in a single row only, unless designated as a no-parking zone.*
- (j) Gravel surfaces shall be of sufficient thickness and be continuously maintained such that no grass, weeds, vegetation or bare earth is visible, and in which the gravel is confined by an approved border.*
- (k) Where residential property is landscaped using gravel, stone or rock, all parking and driving areas shall be clearly delineated as separate from such landscaping, and landscaped areas shall not be used as parking or driving surfaces.*

SECTION 3. The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion hereinabove described shall be held or declared to be invalid, the same shall not affect the validity of the balance and remainder of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this Ordinance, and the City Manager or his designate is authorized to execute and all instruments requisite to implementing this Ordinance.

BE IT FURTHER RESOLVED that the City Secretary be and she is hereby authorized to attest to the signature of the Mayor to this Ordinance, and to attest to the signature of the City Manager to any instruments requisite to implementing this Ordinance.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the FIRST READING this the 16th day of July 2013.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the SECOND READING this the _____ day of _____ 20____.

ATTEST:

CITY OF COMMERCE, TEXAS

Marty Cunningham, City Secretary

John Ballotti, Mayor

(seal)

I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance and that the same has not been repealed and is in full force and effect.

(Seal)

Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the _____ day of _____, 20____, to certify which witness my hand and seal of office.

(Seal)

Notary Public, State of Texas