

**CITY OF WHARTON
ORDINANCE NO. 2019-19**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE III. CONSTRUCTION CODES, SECTIONS 18-66 THROUGH SECTION 18-77; REMOVING SECTION 18-78 EXTERIOR BUILDING (FAÇADE) DESIGN STANDARDS; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

WHEREAS, it is the desire of the City of Wharton of Ordinances to read as follows:

ARTICLE III. CONSTRUCTION CODES

Sec. 18-66. - Codes adopted.

- (a) The following International Codes, to be enforced by the building official, are hereby adopted:
- (1) International Building Code, 2018 Edition, with the latest revisions, including Appendices C, D, E, F, G, H, I, J, and K.
 - (2) International Residential Code for One- and Two-Family Dwellings, 2018 Edition, with the latest revisions, including Appendices A, B, C, D, E, G, H, J, K, M, N, O, and P.
 - (3) International Property Maintenance Code, 2018 Edition, with its latest revisions, including Appendix A.
 - (4) International Plumbing Code, 2018 Edition, with its latest revisions including Appendices B, C, D, and E.
 - (5) International Fuel Gas Code, 2018 Edition, with its latest revisions including Appendices A, B, C and D.
 - (6) International Mechanical Code, 2018 Edition, with its latest revisions including Appendix A.
 - (7) International Fire Code, 2018 Edition, with its latest revisions including Appendices B, C, D, E, F, G, H, I, J, K, and N.
 - (8) International Energy Conservation Code, 2018 Edition, with its latest revisions.
 - (9) International Swimming Pool and Spa Code, 2018 Edition, with latest revisions.
- (b) Within said codes, when reference is made to the duties of a certain official named therein, that designated official of the city who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.
- (c) The above codes and revisions are hereby adopted and incorporated herein as fully as they are set out at length herein, and from the date on which this action shall take effect, the provisions

hereof shall be controlling and except as may hereinafter be deleted, modified or amended by further action of the city council.

Sec. 18-67. - Copies filed; penalty for violation.

- (a) One copy of the codes adopted in this article shall be filed at Wharton City Hall.
- (b) It shall be unlawful for any person to cause or allow any building or structure within the city to be constructed or altered or to continue to exist or be maintained in any manner that does not comply with the codes adopted in this article.
- (c) Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in section 1-5, City of Wharton Code of Ordinance for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

Sec. 18-68. - Building permit fees and inspection fees.

The city provides for and establishes fees for building permits and inspection fees, which the city will provide in accordance with the fees set forth by council. These fees will be adopted by council in the form of a resolution at such times as deemed necessary.

Sec. 18-69. - Amendments to the International Building Code.

The building code adopted by reference in this article is amended as follows:

- (1) Section 105.2 Work exempt from permit. Building: (1), (2) Fences not over seven feet high (7'), (3), (4),(6), and (12) are deleted.
- (2) Section 113 Board of Appeals is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article IV, Building Standards Commission shall administer appeals.

Sec. 18-70. - Amendments to the International Residential Code.

The residential code adopted by reference in this article is amended as follows:

- (1) Section 105.2 Work Exempt from Permit Building: (1), (2) Fences not over seven feet (7') high, (3), (5), (9), and (10) are deleted.
- (2) Section R112. Board of Appeals is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article IV, Building Standards Commission shall administer appeals.
- (3) Section R313 Automatic Fire Sprinkler Systems. No Provision of this article shall be contradictory to Texas State Law.

Sec. 18-70.2. - Amendments to the International Property Maintenance Code.

The property maintenance code adopted by reference in this article is amended as follows:

- (1) Section 111 Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article IV, Building Standards Commission shall administer appeals.

Sec. 18-71. - Plumbing Code.

Applicability. The provisions of the plumbing code adopted in this article shall be controlling in all plumbing contained within or without the city wherever the city water and/or sewer system is furnished.

Sec. 18-72. - Amendments to the International Plumbing Code.

The plumbing code adopted by reference in this article is amended as follows:

- (1) Section 109, Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article VII, Division I, Plumbing and Mechanical Appeals and Advisory Board shall administer the appeals.

Sec. 18-73. - Amendments to the International Fuel Gas Code.

The fuel gas code adopted by reference in this article is amended as follows:

- (1) Section 109. Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article VII, Division I, Plumbing and Mechanical Appeals and Advisory Board shall administer appeals.
- (2) Addition of Section 406.4.3 Line and System Test. Upon completion of repairing or replacing a gas line, the Code Official has the authority to require a test on all gas lines and systems during a gas pressure test inspection.

Sec. 18-74. - Amendments to the International Mechanical Code.

The mechanical code adopted by reference in this article is amended as follows:

- (1) Section 109 Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Section 18, Article VI, Plumbing and Mechanical Appeals and Advisory Board shall administer appeals.

Sec. 18-74.1. - Addition to the International Mechanical Code.

The mechanical code adopted by reference in this article is added as follows:

- (1) Require the mechanical contractor to mark the air handler legend plates or clearly mark access panel with the appropriate voltage/kw and phase of the installed components at the time of installation. If modifications are made, mark the appropriate electrical information at that time.

Sec. 18-75. - Amendments to the International Fire Code.

The fire code adopted by reference in this article is amended as follows:

- (1) Section 108 Board of Appeal is deleted. The City of Wharton, Code of Ordinance. Section 18, Article IV, Building Standards Commission will administer appeals.
- (2) Section 315.1 has the following addition, which is to read as follows:
 - a. Section 315.1.1 Tank Storage-Restricted Locations.
 1. The storage of flammable or combustible liquids in above ground tanks outside of buildings is prohibited within the limits of the fire districts.
 2. The location and installation of outside above ground tanks for the storage of flammable or combustible liquids shall be in accordance with NFPA 30.
 - b. Section 315.1.2 Bulk Plants-Location of Plants.

No new bulk plants shall be constructed within the limits of the Fire District.
 - c. Section 315.1.3 Installation of Containers.

Within the limits of the fire district established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the

aggregate capacity of any one installation shall not exceed 2,000 gal (7.57 m³) water capacity, except that in particular installations this capacity limit may be altered at the discretion of the fire official, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed containers, degree of private protection to be provided, and capabilities of the local fire department.

Sec. 18-76. - Appeals procedures.

The building standards commission shall serve as the board of appeals;

- (1) The building standards commission shall administer appeals, which may arise from decisions made by the building official.
- (2) Any person, firm or corporation aggrieved by any interpretation of this code or by any decision or ruling by the building official under this code shall have the right to make an appeal to the building standards commission.
- (3) Within a period of ten days from the filing of the appeal, the commission shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three days thereafter. In hearing such an appeal, the building standards commission shall not have the power to waive or set aside the requirements of this code. The building standards commission shall have the power to interpret its provisions, in case of alternate types of construction or material, shall determine whether or not such alternate types of construction or material is in fact equal to the standards of this code, considering adequacy, stability, strength, sanitation and safety to the public's health and welfare.
- (4) Any person, firm or corporation who may be aggrieved by the decision of the building standards commission shall have the right to appeal. Such appeal shall be submitted by written notice addressed to the mayor and city council within ten days after the action appealed from, stating such person's desire to appeal from such action. Upon receipt of notice of such appeal, the city council shall set the appeal for a hearing, and the city secretary shall notify the appellant and also the chairman of the building standards commission of the date of such hearing. The city council shall have the right to affirm, modify or reverse the action and/or decision complained of. The action of the city council shall be final. If no appeal is taken within the time and in the manner provided in this section, the ruling of the building standards commission shall be final.

Sec. 18-77. - Building line setback requirements.

(a) *Definitions:*

- (1) *Abut/abutting* shall mean to physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term "adjacent."
- (2) *Accessory building* shall mean a building, the use of which is incidental to that of the principal building and which is located on the same lot. An accessory building is not an unattached residential vehicular garage that supports the use of the principal building.
- (3) *Adjacent* shall mean lying near or close to. (See "abut/abutting")
- (4) *Building/yard setback line* shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and property line.

- (5) *Commercial* shall mean a building(s)/structure(s) where the occupation, employment or enterprise is carried on for profit generally located on a smaller site than industrial. (A business, non-residential).
- (6) *Duplex/two-family dwelling* shall mean a building containing two dwelling units designed to be occupied by two families living independently of each other.
- (7) *Dwelling* shall mean a building, or portion thereof, which is used exclusively for human habitation. An unattached residential vehicular garage is considered to be part of the dwelling.
- (8) *Exterior side building/yard setback line* shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and an exterior property line. (See "setback measurements")
- (9) *Front building/yard setback line* shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and the property line facing a street right-of-way. The front of a building/structure is the primary access to it as originally intended by the builder/architect and inherent to the style and design of the building structure.
- (10) *Industrial* shall mean a building(s)/structure(s), which is used to engage in the basic processing and manufacturing of materials or products predominantly from extracted, or raw materials. Engaged in the manufacture, predominately from previously prepared materials of finished parts, including processing, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products; or engaged in storage, wholesale and distribution of manufactured products, supplies and equipment. An industrial building(s)/structure(s) may generate high levels of noise, vibrations, smoke, dust, odors or light.
- (11) *Interior side building/yard setback line* shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and the interior property line. (See "setback measurements")
- (12) *Lot* shall mean a plot of land having frontage on at least one public street, which is or in the future may be offered for sale, conveyance, transfer or improvement.
- (13) *Multi-family residential* shall mean buildings designed to contain three or more complete separate living facilities for single family occupancy. Multi-family dwellings shall include apartments and condominiums.
- (14) *Parcel* shall mean a contiguous area of land in the possession of or owned by, or recorded as the property of, the same person or persons. Parcels of land generally are large enough to be subdivided into lots.
- (15) *Principal building* shall mean the building in which the principal use of the lot, which it is located on, is conducted.
- (16) *Property line* shall mean the surveyed line(s) bounding the property to form a legal boundary.

- (17) *Rear building/yard setback line* shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and the rear property line.
- (18) *Setback measurements* shall be measured from the outermost projection of the structure to the appropriate property line. An exterior side property line is one, which abuts or is adjacent to a street right-of-way. An interior side property line has no street frontage and is one which abuts another lot(s) or parcel(s) boundary. A rear property line is one which abuts another lot(s) or parcel(s), or a street right-of-way.
- (19) *Single-family residential* shall mean a building/structure containing one dwelling designed to be occupied primarily by one family and with the total of all habitable areas not to be less than 700 square feet excluding the garage.
- (20) *Street* shall mean a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.
- a. A major thoroughfare means a principal traffic artery or trafficway, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare on the current major thoroughfare plan formally adopted and designated by the planning commission and city council. Minimum width of right-of-way shall be 100 feet.
 - b. A collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets. It is not necessarily of continuous routing for long distances, has intersections at grades, provides direct access to abutting property, and shall include each street designated as a collector street on the thoroughfare plan formally adopted and designated by the planning commission and city council. Minimum width of right-of-way shall be 80 feet.
 - c. A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be 60 feet.
- (21) *Utility easement* shall mean an area for restricted use on private property upon which a public or private utility shall have the right to remove and keep removed; all or part of any permanent or portable building; obstructing fences without proper gate configuration to allow reasonable ingress or egress; trees, shrubs, or other improvements or growths which in any way endanger, tend to endanger, or significantly interfere with the construction or maintenance, or efficiency of its respective utility systems on any of these easements. The public utility shall at all times have the right of ingress and egress to, from, over, under and upon the said easement for the purposes of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity of procuring the permission of anyone. The ownership or title to the land encompassed by the easement is retained by the owner, while the dominant right to use the area is retained by the public or private and encumbered utility. Private owners may only make temporary and incidental use of the easement surface area in ways that do not interfere with the superior rights of the utility.

(22) *Variance* shall mean a deviation from the required norm that may be granted following certain procedures specified herein.

(b) *Single-family residential:*

- (1) Minimum front yard setback shall be twenty-five (25) feet from the front property line except where abutting or adjacent to a major thoroughfare, in which event the minimum setback for the principal building shall be thirty-five (35) feet. This shall also apply for accessory buildings.
- (2) Minimum interior side yard setback shall be five (5) feet for the principal building. Accessory buildings shall be permitted to maintain a minimum of five feet setback from the property line to the accessory building line.
- (3) Minimum exterior side yard setback shall not be less than fifteen (15) feet, except that where the lot is adjacent or abuts on a major thoroughfare, the building line shall not be less than twenty-five (25) feet from the side property line. Where the side of a corner lot is across from, or adjacent to the front yards of other lots, the building line shall be at the same setback distance from the street as the front building line of the opposite or adjacent lots.
- (4) Minimum rear yard setback for the principal building shall be five feet from the rear property line. Accessory buildings shall be permitted to maintain a minimum of five feet setback from the rear property line. When the rear yard abuts any street, a minimum of 15 feet shall be required from the rear property line to the building line of the principal buildings and accessory buildings. If the rear public right-of-way is a major thoroughfare, a minimum (25)-foot setback from the rear property line to the building line shall be required.
- (5) Principal buildings and accessory buildings shall not be allowed to encroach upon public or private utility easements even if such buildings are portable.

(c) *Duplex/two-family dwellings:* Same requirements as single-family residential.

Exception: Duplex buildings may either be constructed entirely on one lot; or two lots, in which case when on two lots the two units shall be separated by a common fire-resistive wall on the common property line.

(d) *Multiple-family residential:*

- (1) Same requirements as single-family residential.

Exception: Multiple-family buildings on the same lot shall maintain a minimum separation of ten (10) feet between outermost projection of the structures.

- (2) Where interior side yard setback is abutting existing or proposed single family or duplex residential uses, the minimum interior side yard setback shall be ten feet.

(e) *Commercial:*

- (1) Minimum front building line setback: 25 feet, except that where abutting or adjacent to major thoroughfare, the minimum front building line setback requirement shall be 35 feet.

- (2) Minimum interior side building line setback: Ten feet, except where abutting existing or proposed residential uses, in which case the minimum interior side building line setback shall be 20 feet.
- (3) Minimum exterior side building line/street setback: Abutting or adjacent to a major thoroughfare, a minimum 25-foot setback shall be maintained. Abutting or adjacent to other streets, fifteen (15) feet minimum setback shall be maintained.
- (4) Minimum rear building line setback: Ten feet, except where abutting existing or proposed residential uses, in which event the rear building line setback shall be 20 feet. Also, if the building is abutting or adjacent to a major thoroughfare, the minimum rear building line setback shall be 25 feet. Other streets shall require a minimum 15 feet rear building line setback.

(f) *Industrial:*

- (1) Minimum front building line setback: 25 feet, except that where abutting or adjacent to major thoroughfare, the minimum front building line setback requirement shall be 35 feet.
- (2) Minimum interior side building line setback: Ten feet, except where abutting existing or proposed residential uses, in which case the minimum interior side building line setback shall be 20 feet.
- (3) Minimum exterior side building line/street setback: Abutting or adjacent to a major thoroughfare, a minimum 25-foot setback shall be maintained. Abutting or adjacent to other streets, 15 feet minimum setback shall be maintained.
- (4) Minimum rear building line setback: Ten feet, except where abutting existing or proposed residential uses, in which event the rear building line setback shall be 20 feet. Also, if the building is abutting or adjacent to a major thoroughfare, the minimum rear building line setback shall be 25 feet. Other streets shall require a minimum 15-foot rear building line setback.

(g) *Building permits required:* No building permit shall be issued for the construction, exterior alteration, enlargement, or location of any building which does not conform to the building line setback requirements herein.

(h) *Variations:* When an applicant can show that a provision of these regulations would cause excessive regulatory hardship if strictly adhered to and where, because of some unique condition peculiar to the site (e.g. multiple boundaries, irregular shaped lot, three sided lot, etc.), which in the sole opinion of the planning commission would warrant a limited departure from standard application of the regulations without destroying the general intent of such provisions, the planning commission may authorize a specified variance. An application for a variance shall be obtained through the Planning Department for a non-refundable fee and submitted to the planning commission for consideration. If the application is approved by the planning commission, then the application will be submitted to the city council for final approval. Upon approval, the variance shall be effective for six months from that date. A new variance application and fee must be submitted if no work has commenced by the expiration date. If the applicant is denied, the applicant may appeal the decision of the planning commission to the city council within ten days from the date the planning commission decision. If the city council

denies the application, the applicant may appeal to the district court and, upon perfection of the appeal, such appeal shall be by a trial de novo. The person appealing the decision of the city council must also file an original petition in the appropriate district court within 20 days from the date of the city council's decision; otherwise, the decision of the city council shall be final.

(i) *Application:* These building line setbacks established herein shall apply to or supersede the following:

- (1) Unplatted property;
- (2) Property platted but not yet built upon including undeveloped properties with deed restriction self-imposing setback requirements and undeveloped subdivisions platted with setback requirements.

(j) The developer or owner pays an application for variance fee as established by the city council of the City of Wharton under separate resolution.

Sec. 18-79. - Off-street parking requirements.

- (a) *Off-street parking required.* At the time that any building, use or structure is initiated, erected, enlarged or converted from one land use to another land use which requires an increase in the number of parking spaces, off-street parking facilities shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons. Off-street parking facilities shall be maintained and continued as long as the building, use or structure is continued. No person shall utilize such building, use or structure without providing the required off-street parking facilities. In addition, it shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use or structure, without establishing alternative off-street parking facilities which meet these requirements. The provisions of this section may not apply to properties located in the downtown business area. These properties shall be evaluated separately by the building official for applicability.
- (b) *Amount of off-street parking spaces required.* The required number of off-street parking spaces for any building, use or structure shall be determined by the list of land use classifications and corresponding parking standards contained in Table 3.1, of this section. Such parking standards shall be applied subject to the following subsections:
 - (1) *Seating capacity.* Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity permitted by the fire code and approved by the fire marshall's office. When determining seating capacity for a building, use or structure utilizing bench seating, each 22 inches of bench shall be considered one seat.
 - (2) *Fractions.* Fractional numbers shall be increased to the next whole number if the fraction is five-tenths or more, and when the fraction is less than five-tenths, the next lower whole number shall apply.
 - (3) *Unlisted uses.* The off-street parking requirements for any use not specifically listed in Table 3.1 shall be the same as those for the use most similar to the proposed use, as determined by the building official.

Table 3.1
Off-Street Parking Standards

LAND USE	NUMBER OF PARKING SPACES
Single-family, patio-cluster, townhouse, condominium, manufactured home	2.0 spaces per dwelling unit
Multifamily apartments	Per dwelling unit:
	Efficiency: 1.0 per space
	1 Bedroom: 1.5 spaces
	2 Bedrooms: 2.0 spaces
	3 or more bedrooms: 2.5 spaces Where offices are provided on-site, visitor parking must be provided as per the office parking requirements outlined in this section and where clubhouses are provided on-site, appropriate off-street parking must be provided as per the community centers/club requirements outlined in this section
Two-, three-, and four-family duplex, etc., apartments	2.0 spaces per unit
Rooming, lodging or boarding houses	1.5 spaces per rental sleeping room
Bed and breakfast	1 space per guestroom, plus 2 spaces per owners unit
Churches, temples, synagogues	1 space per 4 seats in auditorium/chapel
Community centers, clubs, lodges, etc.	1 space per 4 seats or 1 space per 300 square feet of gross floor area, whichever is greater
Game courts (tennis, racquetball, etc.)	4 spaces per court
Golf courses	6 spaces per hole + 1 space per 200 square feet of gross floor area of public building(s)
Hospitals and sanitariums	1.5 spaces per bed + 1 space per 500 square feet of gross floor area of emergency room and outpatient care (where such care is specifically provided)
Libraries and museums	1 space per 400 square feet of gross floor area
Nursing home, rest home, convalescent center	1 space per 3 beds + 1 space per administration and staff center

Parks, playgrounds, play-fields	2 spaces per acre
Kindergarten and elementary	1 space per faculty and staff + 1 space per 12 seats in auditorium/assembly area
Junior high or middle	1 space per faculty and staff + 1 space per 8 seats in auditorium/assembly area
High schools	1 space per faculty and staff + 1 space per 4 students
College education facilities	1 space per faculty and staff + 1 space per 3 students
Swimming pools	1 space per 150 square feet of pool area
Automobile and equipment sales and rentals:	
For showroom, office area	1 space per 300 square feet of gross floor area
For outside lot	1 space per 2,500 square feet of paved storage/display area
For service area and body shop	4 spaces per bay and working area
Auto repair shop	4 spaces per bay and working area
Convenience store	1 space per 250 square feet of gross floor area (not in shopping center)
Day care center	1 space per 10 children enrolled + 1 space per employee
Flea market	1 space per 150 square feet of display area
Funeral homes or mortuaries	1 space per 4 seats in the chapel(s) or auditorium(s)
Furniture store	1 space per 500 square feet of gross floor area
Horticulture, nursery	1 space per 300 square feet of gross floor area + 1 space per 2,500 square feet of greenhouse and yard storage area
Kennel	1 space per 400 square feet of kennel area
Laundry and dry cleaning services	1 space per 300 square feet of customer service area + 1 space per 500 square feet of remaining gross floor area
For office	1 space per 300 square feet of gross floor area
For manufactured home sales, display area	1 space for 10,000 square feet of area devoted to the sale, display or storage of manufactured homes
Motel or hotel	1.5 spaces per motel/hotel unit + the number of spaces required by this section for any bar, restaurant or other related facility
Nightclubs, bars, etc.	1.5 spaces per 100 square feet

Business, professional, governmental	1 space per 350 square feet of gross floor area
Banks	1 space per 300 square feet of gross floor area
Medical	1 space per 250 square feet of gross floor area
Personal services (beauty salons, barber shops, etc.)	3 spaces per chair or work station
Arcades	1 space per 300 square feet of gross floor area
Dance halls	1 space per 4 seats
Golf driving range	1 space per driving station
Health clubs	1 space per 250 square feet of gross floor area
Rental, general	1 space per 250 square feet of gross floor area
Retail, outdoor sales	1 space per 500 square feet of outdoor sales area
Sports arenas, stadiums, gymnasiums, etc.	1 space per 4 seats
Theaters	1 space per 4 seats
Restaurant	1 space per 3 seats, w/bar add 1.5 per 100 square feet of gross floor area
Restaurant, fast-food	1 space per 100 square feet of gross floor area
Discount store	1 space per 300 square feet of gross floor area
Hardware, paint, home improvement stores and lumber yards	1 space per 400 square feet of gross floor area
Shopping center	1 space per 300 square feet of gross floor area
Supermarket	1 space per 250 square feet of gross floor area
Self-storage, mini-storage (climate control only)	1 space per 20 storage stalls + 1 space per 300 square feet of gross floor area of office space
Service station, oil change shop	4 spaces per bay and working area
Veterinarian office, pet grooming, etc.	1 space per 200 square feet of examining, operating or grooming areas, plus 1 space per 400 square feet of additional floor area
Industrial, manufacturing, fabricating, finishing, printing	1 space per 650 square feet of gross floor area
Recycling operations	1 space per 500 square feet, with a minimum of 3 spaces

Scrap operations, junk yards	1 space per employee + 2 spaces per acre
Warehousing, shipping, receiving	1 space per 1,000 square feet of gross floor area
Wholesaling, storage distribution	1 space per 1,000 square feet of gross floor area

- (4) *Mixed uses.* For mixed uses, the parking requirements shall be tabulated separately for each use within the development, using the specific standards listed in Table 3.1. Mixed uses regulated under separate parking requirements shall not be combined to achieve a larger square footage total that would result in a reduced parking requirement. If any part of a mixed use is converted to another use category, then the parking requirements shall be recalculated based on the new square footage figure.
- (5) *Large-scale developments.* When the developer of a large-scale development can demonstrate that such development will require fewer parking spaces than required by the standards contained herein, the building official may allow a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional traffic engineer or professional transportation planner and submitted to the building official. The building official shall forward the study to the planning commission for consideration. This provision shall not be used as a means to reduce the size of a parcel of land needed to accommodate a development. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or under-estimated parking demand.
- (6) *Working shifts.* Where a manufacturing/industrial use has more than one working shift of employees, parking facilities should be adequate to accommodate overlap requirements during transition periods.
- (7) *Historic structures.* When the parking standards of Table 3.1 are applied to a historic structure, as defined herein and such requirements would detrimentally affect the historic character of the property, the building official may reduce the parking requirement. Such reduction may only be allowed if the building official, in consultation with the chief of police or his designee determines that on-street parking in the vicinity of the use will not create a hazardous condition or detrimentally affect traffic movements.
- (8) *Employee/staff parking.* Accommodations shall be included for all applications.

(c) *Parking space dimension requirements.*

- (1) *Standard parking space.* Standard dimensions for pull-in parking spaces shall be a minimum of nine feet wide and 18 feet in depth. Parallel parking space dimensions shall be a minimum of 24 feet in length and ten feet in depth.

- (2) *Accessible parking spaces.* Spaces should be constructed in accordance with the Texas Accessibility Standards or Americans with Disabilities Act (ADA).

Secs. 18-80—18-95. - Reserved.

Fine and Penalty for Violations

Sec. 18-145. Penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Effective Date

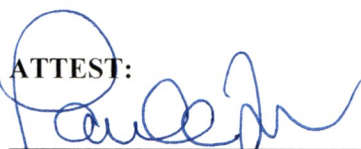
This Ordinance shall become effective on the 5th day of September 2019.

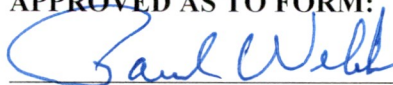
Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 26th day of August 2019.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

