

ORDINANCE NO. 21-G

AN ORDINANCE AMENDING CHAPTER 34, PUBLIC STORAGE FACILITIES/MINI-WAREHOUSES, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF PROVIDING DEFINITIONS, INCLUDING PROVISIONS FOR SPRINKLER SYSTEMS, AND AMENDING FENCING AND LOCATION RESTRICTIONS FOR FULLY ENCLOSED STORAGE FACILITIES; PROVIDING FOR A PENALTY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

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

Section 1. That the Code of Ordinances, City of Alvin, Texas, Chapter 34, Public Storage Facilities/Mini-Warehouses, is hereby amended to read as follows:

"Chapter 34

Public Storage Facilities/Mini-Warehouses

Sec. 34-1. Definitions.

The following words, terms and phrases shall have the meanings set forth below except where the context clearly indicates a different meaning:

City means the City of Alvin, Texas.

Existing storage facility means a public storage facility or mini warehouse that was in existence on or before October 1, 2016.

Fully enclosed storage facility means a public storage facility that has a roof, four walls, and doors and windows that close.

Major arterial roadways consist of North and South Gordon (Business 35), East and West Highway 6, Highway 35 Bypass, FM 1462, FM 528,, FM 517, and State Highway 288.

Open storage facility means a storage facility that does not have a roof and four walls, for the storage of any items, including but not limited to vehicles, trucks, boats, or RVs, that are outside of a fully enclosed building.

Person means an individual, association, corporation, firm, partnership, or any legal entity howsoever formed.

Public storage facility or mini-warehouse means any storage facility containing multiple storage units or rooms which are available for rental to the general public.

Significant redevelopment means the substantial renovation and/or improvement of all existing nonoperational commercial structures on a site to the extent that the structures are returned to operation for a commercial purpose.

Single-family dwelling means a house or other building used or designed to be occupied exclusively by one family.

Sec. 34-2. Lot requirements.

(a) The minimum site area for a public storage facility shall be five (5) acre(s) and the maximum site area shall not exceed ten (10) acres. Existing developed sites that meet the definition of significant redevelopment are exempt from this requirement. Existing public storage facilities wanting to construct additions to their facility are exempt from this requirement.

(b) Lot coverage of all structures shall not exceed fifty (50) percent. If, however, a building has a fire sprinkler system installed per National Fire Protection Association (NFPA) 13, lot coverage of all structures may be increased to sixty percent (60%).

Sec. 34-3. Location restrictions.

Unless otherwise specified, a public storage facility shall not be located within five hundred (500) feet of a single-family dwelling. The measurement of the distance between the public storage facility and the single-family dwelling shall be in a direct line from the nearest property line of the public storage facility to the nearest property line of the single-family dwelling. Existing developed sites that meet the definition of significant redevelopment, and existing public storage facilities, are exempt from this requirement.

Sec. 34-4. Front facades of buildings.

The facades of all buildings outside the fencing and that are visible from a public street must be constructed of brick or split-faced CMU concrete block. (Hardi-plank is noncompliant with this section).

Sec. 34-5. Setback requirements.

The minimum front setback line for a public storage facility, including the fence line, shall be at least fifty (50) feet. Existing public storage facilities wanting to construct additions to their facility are exempt from this requirement. The minimum side setback line shall be at least ten (10) feet. All setbacks shall include greenspace with landscaping.

Sec. 34-6. Fencing and lighting.

(a) The storage facility shall be fenced.

(b) All fences shall be erected so that the structural supports are not visible from a public roadway or adjacent properties.

(c) Unless otherwise specified, fences must be constructed of wood, stone, brick, masonry, stucco, or concrete. Wire-type fencing such as chain link fence, with or without vertical slats, shall not satisfy the requirements of this section.

(d) All wood fences shall have either a grade beam or rot board along the entire length of the base of the wooden section of the fence. The grade beam or rot board may be partly below grade. All fence posts shall be set in concrete.

(e) The posts and grade beams of all fences shall be designed and constructed using materials and methods expected to last at least twenty (20) years without requiring major repair.

(f) All fences shall be maintained by the owner of record in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence in its original upright condition, and any surface treatment, including paint or stucco, is substantially maintained in its original appearance so that there is no noticeable cracking, discoloration, or similar surface blemishes or defects.

(g) Fences shall be at least eight (8) feet in height. Fences that exceed eight (8) feet in height shall be constructed to meet the City's wind load design standards.

(h) Adequate lighting shall be provided within a mini-warehouse site so as to fully illuminate all areas within the development. Such lighting shall be appropriately hooded or otherwise installed to prevent obnoxious or dangerous glare beyond the boundaries of the property.

Sec. 34-7. Height and area of buildings.

(a) The eave height of all buildings shall not exceed twenty (20) feet. If the property has a manager's office and/or a single-family dwelling, such office or dwelling shall not exceed two (2) stories. Existing developed sites that meet the definition of significant redevelopment are exempt from this requirement.

(b) Enclosed storage facilities greater than 5,000 square feet used for the storage of boats, recreational vehicles, and commercial vehicles greater than 10000 pounds shall be protected by a fire sprinkler system installed according to NFPA 13.

(c) Enclosed storage buildings greater than 2,500 square feet used for the storage of household goods such as furniture and mattresses shall have a fire sprinkler system installed according to NFPA 13.

Sec. 34-8. Sidewalks.

Minimum four (4) feet wide concrete sidewalks shall be constructed in the street right-of-way.

Sec. 34-9. - Circulation, parking and loading.

(a) All drives, which include loading lanes, shall not be less than twenty-eight (28) feet in width. Drives without loading lanes shall not be less than twenty-four (24) feet in width and shall be posted to prohibit parking or loading. Public access shall be restricted to a single location along a public street. The public access shall be equipped with a gate which shall be closed during the

hours when the business is closed, and the access point shall be fully visible from the manager's office, if the property has a manager's office. At least one additional emergency vehicle access point shall be provided which shall be closed to the public.

(b) If the property has a manager's office, customer parking shall be provided at the manager's office calculated on the basis of one space for each four hundred (400) square feet of the manager's office floor area. Two (2) additional parking spaces for employees and/or residents shall be provided at the manager's office.

Sec. 34-10. Storage of flammable materials prohibited; exception.

(a) Storage of flammable liquids, gases or other flammable materials, including, but not limited to, paint, motor oil and gasoline; all explosives, including, but not limited to, dynamite, ammunition and fireworks; and noxious chemicals, including, but not limited to, common garden and insect sprays is prohibited, unlawful and shall be a criminal offense. This prohibition specifically includes motor oil and gasoline contained in any internal combustion engine or vehicle; any liquid or gas which is contained under pressure; and any of the potentially dangerous chemical compounds commonly associated with maintenance and repair activities.

(b) This prohibition against motor oil and gasoline storage shall not apply to storage facilities that are constructed and approved for recreational vehicle and boat storage.

Sec. 34-11. Maintenance.

The exterior of structures and grounds shall be maintained in a neat, clean and orderly manner.

Commercial dumpsters/trash containers are subject to chapter 11, section 11-12 of the Alvin Code of Ordinances.

Sec. 34-12. Management.

(a) A full-time manager may reside on the premises, provided that the permanent residence meets all the requirements of the city for residential occupancy.

(b) The lessee of any storage unit or space shall be provided with a document, whether a lease or other writing, which shall, at a minimum, contain a clear statement of all limitations and prohibitions of this chapter. The owner shall require that the lessee acknowledge advisement of the limitations and prohibitions of this chapter.

(c) A copy of this chapter shall be conveniently displayed throughout the premises.

(d) It shall be the joint responsibility of the owner and the manager, if applicable, to ensure that the lessees comply with all applicable provisions of this chapter.

Sec. 34-13. Compliance with other laws.

Public storage facilities must be in compliance with all other city ordinances and regulations not in conflict herewith.

Sec. 34-14. - Special conditions for facilities located on major arterial roadways.

This provision shall apply to all facilities within one hundred fifty (150) feet of the right-of-way of any designated major arterial roadway.

(1) Fencing.

- (a) For fully enclosed storage facilities, any fence facing a public street shall be constructed of brick, stone, masonry, wood, wrought iron, or black-clad cyclone, and shall be at least eight (8) feet in height.
- (b) For open storage facilities, or storage facilities that are not fully enclosed, any fence facing a public street shall be constructed of brick or masonry and shall be at least eight (8) feet in height. All vehicles, boats, RV's, etc., kept in "open storage" shall be obscured from view from any public street by fencing or by their location on the storage facility property.

(2) *Location Restrictions.*

A public storage facility located on a major arterial roadway shall not be located within three hundred (300) feet of a single-family dwelling. The measurement of the distance between the public storage facility and the single-family dwelling shall be in a direct line from the nearest building of the public storage facility to the single-family dwelling.

Sec. 34-15. Applicability.

The requirements of this chapter apply to permits for new facilities and additions to existing facilities from the effective date of enactment of this chapter.

Sec. 34-16. - Penalty.

Any person convicted of a violation of any provision, restriction or requirement of this chapter shall be deemed guilty of a misdemeanor and shall be fined as prescribed by section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Code of Ordinances. It is the intention of the Council that this Ordinance shall become a part of the Code of Ordinances of the City of Alvin, Texas, and may be renumbered and codified therein accordingly.

Section 4. Penalty. Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty section 1-5 of the Code of Ordinances.

Section 5. Publication. The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 6. Effective Date. This Ordinance shall take effect immediately after its passage and publication in accordance with the provisions of Chapter 52 of the *Texas Local Government Code*, and the *City of Alvin Charter*.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

PASSED AND APPROVED on first and final reading on the 18th day of March 2021.

CITY OF ALVIN, TEXAS:

ATTEST:

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary