

Zoning Code Administrative Interpretation Decision No. 2021-001

Date Issued: July 30, 2021

Question. Are off-street parking facilities serving commercial establishments required to be paved?

Answer. Yes, paved sidewalks, driveways and parking areas are required in all commercial districts pursuant to sections¹ that follows

- Sec. 18-44(c)(2) - Neighborhood commercial—District "NC";
- Sec. 18-45(c)(2) - Light commercial—District "C-1";
- Sec. 18-46(c)(2) - Medium commercial—District "C-2"; and
- Sec. 18-47(c)(2) - Heavy commercial—District "C-3".

Analysis. In considering this query, section 118-20(m) was reviewed. That section provides in relevant part as follows:

(M) *Parking. No vehicle, trailer, boat, recreational vehicle, or major recreational equipment shall be parked or stored in any location not approved for such use, either permanently or temporarily, except that it shall be enclosed in a building or parked on a durably improved surface, including but not limited to: asphalt, concrete, paving stones, granite gravel, road base, caliche, railroad ballast, or other similar material, as determined by the city manager or his or her designee. Such durably improved surface shall be large enough that the entire vehicle, trailer, boat, recreational vehicle, or major recreational equipment sits completely within the outer limits of the durably improved surface. Inoperable vehicles, trailers, boats, and recreational vehicles shall be parked or stored only in a completely enclosed building or garage.*

(1) *Parking regulations. Where any structure is erected, reconstructed or the use is changed for any of the residential or commercial uses permitted in this chapter, designated off-street parking spaces shall be provided in a number not less than as provided in Chart 3 set forth hereinafter. Parking spaces shall meet the requirements of (m) above and, with the exception of residential parking spaces, shall be striped to delineate each space.² The dimensions of a standard parking space shall be at least nine feet in width and at least 18½ feet in length. Parallel parking spaces shall be at least eight feet in width and 23 feet in length. Emphasis added.*

In reconciling the apparent conflict between section 118-22(m), and the sections referenced after the bullet points above, it is noted that section 118-73(b) states as follows: "*whenever a provision of this chapter and any other provision of this chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are*

¹ A "section" or "sections" referenced herein are found in the City of Burnet Code of Ordinances.

² It is noted that it is most likely impractical to stripe parking surfaces consisting of granite gravel, road base, caliche, or railroad ballast.

more restrictive or impose higher standards or requirements shall govern.” It is my conclusion that “paved parking areas” is the higher standard in this instance.

Application. This question was raised in conjunction with an inquiry on the potential development of property owned by the Burnet Economic Development Corporation.

Conclusion. Parking facilities in commercial districts are required to be paved. As, in some instances commercial project site plans were approved under section 118-20(m), **this Interpretive Decision is applicable for applications submitted after the date of issuance.** Pursuant to section 118-73(d), this decision shall govern questions relating to allowable parking lot surface materials in commercial districts; and shall be retained in the official records of the Director of Development Services until rescinded by action of City Council, amendment to Chapter 118 or reversed by action of the Zoning Board of Adjustment.

Appeal. Pursuant to Texas Local Government Code Section 211.01 this decision is appealable to the City of Burnet, Board of Adjustment. Notice of appeal must be filed in the office of the City Secretary **not later than 20 days** from the date this decision was issued. The notice must include a written narrative specifying the grounds for the appeal.

To be effective as of the date first stated above.

City of Burnet, Texas
Zoning Administrator



Habib H. Erkan Jr.
Assistant City Manager