

ARTICLE VIII.

OFF-STREET PARKING AND LOADING

DIVISION 1.

IN GENERAL

Sec. 26-471. Purpose and applicability.

(a) This article is enacted for the purpose of requiring all persons developing new and redeveloping existing buildings or tracts within the city to provide sufficient off-street parking and loading facilities at all times the buildings or tracts are in use or occupied for such buildings. ~~It is the intent that the provision for parking and loading be provided at all times while these buildings are occupied or otherwise in use, and that no building may be permitted to be used or occupied without provision for the facilities as required in divisions 2, 3, 4 and 76 of this article, except as provided in divisions 4 and 5 and 6 of this article.~~

(b) This article applies only to:

(1) ~~To~~The construction of a new buildings; ~~and~~

~~_____~~ (2) ~~To the~~The alteration of an existing ~~structures~~building or tracts where the alteration results in an increase in the parking factor;

~~_____~~ a. ~~The gross floor area of a building; or~~

~~_____~~ b. ~~The useable floor area in an existing free-standing structure; and~~

~~_____~~ c. ~~The unit of measurement used for calculating the required number of parking spaces.~~

or

(3) ~~To a change of land use; and~~A change of use classification; and

(4) ~~To a change of use in a free-standing building from one occupancy use classification to another occupancy class; and~~

~~_____~~ (5) ~~To~~An alteration of a change of use in a shopping center (strip) or neighborhood shopping center (neighborhood) that results in the addition or alteration of where the addition of a class 6 or 7 occupancy use classification, to the strip or neighborhood shopping center, increases the total gross floor area of the shopping center used by class 6 or 7 occupancies.

(c) This article does not apply to:

(1) Buildings or tracts within the central business district except that division 4 of this article shall apply to buildings or tracts within the central business district;

(2) Temporary classroom buildings for public schools where the director determines, upon reviewing the development plat that includes a temporary classroom building as well as information sufficient to make a determination, that:

a. There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and

b. An analysis of the public school site support the conclusion that timely compliance with the student/teacher ratio required by law cannot be achieved without the construction of the temporary classroom building.

(d) In the event of a conflict between the definitions or regulations of this article and any other provision of this Code, the definitions or regulations of this article shall control; provided, however, that requirements to provide off-street parking contained in chapter 42 of this Code that are not mentioned in section 26-492 of this Code shall be considered additional requirements to provide off-street parking.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 96-958, § 1, 9-18-96; Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-472. Definitions.

~~For the purpose of this article, the following terms, phrases and words will have the meanings ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural; and words used in the plural number include the singular number.~~

~~Any office referred to herein by title will include the person employed for or appointed to that position or his duly authorized deputy or representative. As used herein the word "building" includes buildings, structures and portions thereof.~~

The following definitions shall apply to this article:

Alteration means any change of ~~occupancy use classification~~ or any addition to or modification of a in construction of a building or ~~structure tract~~ that results in an increase in the parking factor used to calculate the number of parking spaces, bicycle spaces, and loading berths of the use classification.gross floor area of a building or in the useable floor area in a free-standing structure.

Apartment-house means any building, or portion thereof, which is designed, built, rented, leased, or let out ~~or hired out~~ to be occupied, or ~~which that~~ is occupied as the home or residence of three or more families living independently of each other, ~~and shall include~~including a flats and apartments, and shall include or a condominium created under

chapter 81 or 82 of the Texas Property Code.

Applicant means a property owner or his or her designated agent, landlord, tenant, holder of certificate of occupancy, management entity or other person or entity to which this article applies, that is requesting a building permit, development plat, site plan review, review of a shared parking agreement, review of a memorandum of lease, designation of a special parking area, or is otherwise seeking compliance with a provision of this article.

Arcade or game room means a building designed primarily as a place of amusement and recreation that may include pinball machines, video games and other related amusement machines or devices.

Arena means ~~an enclosed or unenclosed structure or area~~area building which that includes facilities for a large area dedicated to seating for spectators. ~~of sporting events and other types of public amusement and entertainment.~~

Art gallery or museum means a building that contains ~~the~~ facilities for the sale, ~~loan~~ or display of ~~books,~~ paintings, sculptures or other works or objects of art.

Auditorium means a building for use as a place for public or and/or private gatherings.

Auto parts and supply store means a building ~~containing a~~contains facilities ~~iesy~~ for the sale of motor vehicle parts and related items to the general public.

Auto repair establishment means a retail establishment engaged in the sale of automobile fuel, motor oil, or repair services ~~essential to the normal operation of~~or motor vehicles.

Auto sales dealer means a building ~~containing a facility~~that contains facilities for the display, service, and retail sales or ~~for the~~ leasing of motor vehicles.

Bar, club or lounge means a building or a place of business that derives ~~75~~more than 50 percent ~~or more~~ of its gross revenue from the on premise sale of alcoholic beverages ~~and provided that the premises does not hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission.~~

Barber and beauty shop means a building ~~that contains facilities~~containing a facility for the cutting of hair, providing facial and manicure treatments or other beauty related services and is licensed by the State of Texas as a barber shop or beauty establishment.

~~*Berth* means a permanently allweather surfaced, marked area wholly within private property, the configuration of which complies with the written requirements of the traffic engineer for such berths.~~

Bicycle means a vehicle propelled by human power that has two tandem wheels at least one of which is more than 14 inches in diameter.

Bicycle space means a parking space provided solely for the parking of bicycles.

~~Billiard hall means a building or area within containing facilities designed primarily for the purpose of playing the game of billiards.~~

Bowling alley means a building primarily designed for playing the game of bowling.

Building means any structure or portion thereof, which is built, or otherwise constructed, for the support, shelter or enclosure of persons, animals, or property of any kind.

Building materials or home improvement store means a building, the major use of which is devoted to the sale of lumber, tools, screws, nails, paint, painting materials and related items.

Building permit means an official document issued by the building official authorizing performance of a specified activity under the Construction Code.

Car wash (automated) means a building containing facilities for washing more than two motorized vehicles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

Car wash (all others) means a building for the washing of motorized vehicles.

Central business district means the area beginning at the intersection of I.H. 10 and U.S. 59, then in a southerly direction along U.S. 59 until its intersection with Chartres Street, then in a southwesterly direction along Chartres Street until its intersection with Texas Street, then in a southeasterly direction along Texas Street until its intersection with Dowling Street, then in a southwesterly direction along Dowling Street until its intersection with Hadley Street, then in a northwesterly direction along Hadley Street until its intersection with Hamilton Street, then in a southwesterly direction along Hamilton Street until its intersection with McGowen Street, then in a northwesterly and northerly direction along McGowen Street until its intersection with Bagby Street, then in an easterly direction along Bagby Street until its intersection with Heiner Street, then in a northerly direction along Heiner Street and continuing along Heiner Street as projected and extended to Sabine Street until its intersection with Buffalo Bayou, then in an easterly direction along Buffalo Bayou until its intersection with I.H. 45, then in a northeasterly direction along I.H. 45 until its intersection with I.H. 10, then in an easterly direction along I.H. 10 until its intersection with U.S. 59, the point of beginning. Properties abutting and fronting on such streets are included in the district except that properties abutting and fronting I.H. 10, U.S. 59, and I.H. 45 but not within the area described above are not included in the district

~~Central business district or CBD means the area included and bounded by Buffalo Bayou, Chartres Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street, and Heiner Street as projected and extended to Sabine Street.~~

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~~Properties abutting and fronting on such streets are included in the district.~~

An area that has:

~~(1) A permanent public transit system;~~

~~(2) Demonstrates a modal split in favor of public transportation;~~

~~(3) An equivalent level of municipally owned public parking; and~~

~~(4) Equivalent levels of vehicular traffic, as determined after a study by the director,~~

~~may be added to the above-described area and may, after a public hearing, be designated by the city council as a central business district.~~

Certificate of occupancy means a document issued by the building official after final inspections certifying that the building ~~or structure~~ complies with the provisions of this article and the Construction Code, and includes a temporary certificate of occupancy issued by the building official.

Church means a building which is exempt from ad valorem taxes, in which a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction or for propagating a particular form of religious belief.

Clinic (medical complex) means a group of interrelated buildings in close proximity to one another containing facilities providing all types of human medical care under common management or control including medical or dental professional buildings as a part of such a complex.

Clinic (medical or dental) means a building that contains facilities, ~~the principal use of which is~~ for the offices of physicians or dentists for the examination and treatment of persons on an out-patient basis. A clinic (medical or dental) shall include medical or dental professional buildings which are not a part of a clinic (medical complex) as herein defined.

~~*Clothing store* means a building, the major use of which is devoted to the sale of clothing.~~

Collector street is defined in chapter 42 of this Code.

College, ~~or university,~~ or trade school means a building containing that contains the facilities for an institution of higher learning education beyond the level of secondary school, including but not limited to, s-training in occupational or vocational education.

Commission means the city's planning commission created by the provisions of chapter 33 of this Code.

Compact car means a vehicle with an overall length of 16 feet or less and an overall width of six feet or less.

Construction means any act of forming, assembling, erecting or building a structure, building or portion thereof.

~~*Convenience market* means an establishment which provides services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make twenty-four-hour operation possible. This use may include the renting of private postal and safety deposit boxes to individuals and automated banking machines.~~

Department means the ~~department of~~ planning and development department of the city.

Dessert shop means an establishment a building that contains facilities is used primarily for the sale of to sell pre-prepared desserts for on-site consumption and has a limited menu of foods such as ice cream, yogurt, custard, smoothies, cakes or cookies.

Development plat is defined in chapter 42 of this Code.

Director means the director of the department ~~of planning and development~~ and his or her designees.

~~*Discount store* means an establishment which primarily sells off-price goods or offers discounted prices for general retail merchandise.~~

Driving range (golf) means ~~a tract area containing that contains~~ facilities for practicing driving a golf ball to hit or impel a ball forcibly as practiced in the game of golf.

Dwelling unit means a ~~single, integral structure, or a building or~~ portion of a building that ~~provides complete,~~ has contains independent living facilities ~~for one or more persons~~ including permanent provisions for living, eating, working, nontransient sleeping, cooking, and sanitation.

Financial facility means a building ~~with that contains~~ facilities for an establishment authorized to receive and safeguard money, lend money, execute bills of exchange and purchase and exchange foreign currency, including, but not limited to, banks, savings, and loan associations and savings banks.

Funeral home or mortuary means ~~a building that contains facilities establishment engaged in for~~ undertaking services such as preparing the human dead for burial and arranging and managing funerals.

~~*Floor area ratio* means the resulting number obtained by dividing the total floor area within a structure on a lot by the area of the lot.~~

Furniture store means a building, ~~the major facility of which is devoted to~~ that contains

facilities for the retail sale and display of furniture and appliances.

Golf course means ~~a geographically defined~~ a tract that contains facilities ~~area of land~~ for the playing of the game of golf.

~~Greenway means an area generally described as follows:~~

- ~~(1) The area included and bounded by Buffalo Speedway, Richmond Avenue, Timmons Lane, Southwest Freeway (U.S. 59).~~
- ~~(2) The area included and bounded by the Southwest Freeway (U.S. 59), Edloe Street, Westpark Drive and Wesleyan.~~
- ~~(3) The area included and bounded by Wesleyan, Portsmouth Street, Timmons Lane and the Southwest Freeway (U.S. 59).~~
- ~~(4) The area included and bounded by Richmond Avenue, Edloe Street, Timmons Lane and a line approximately 500 feet north of and parallel to Richmond Avenue.~~

~~The Greenway Area is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "B." All properties abutting and fronting on the streets included in this description of this area may not be included in Exhibit "B."~~

Gross floor area or *GFA* means the numerical expression in square feet of the enclosed gross floor area of the building ~~or structure~~ based upon the area submitted in the building permit application.

Heavy manufacturing and industrial means a building that contains facilities for the large-scale, capital-intensive, commercial production of goods.

~~*Holder of legal interests* means a person or entity which holds fee simple title to certain land or structures. This term shall also include lessees who hold a ground lease with a remaining term of at least 20 years.~~

Hospital means a building licensed by the State of Texas that contains ~~ing~~ facilities ~~licensed by the State of Texas~~ to provide medical care of ~~of~~ the sick or injured.

Hotel or *motel* means any building ~~containing that contains~~ guest rooms intended or designed to be used, rented, let out or hired out to be occupied or which are occupied for sleeping purposes by guests, but shall not include any use that is considered a special residential use in this article or any other residential use. ~~.-~~

~~*Industrial facility* means a building containing facilities for the commercial production~~

~~and sale of goods and services.~~

Library means a building ~~or buildings~~ that contains a repository or collection of literary and artistic materials such as books, periodicals and newspaper.

Loading means the act ~~or activity~~ of transferring items of property to or from a motor ~~delivery~~ vehicle ~~licensed as a truck by the State of Texas~~.

Loading berth means a ~~permanent, all-weather surfaced, marked designated interior or exterior~~ space for the loading, unloading or parking of trucks and motor vehicles other than motor vehicles principally designed for passengers, that complies with the requirements of division 4 of this article.

Loading facilities category means the use of a building or tract for a purpose identified in section 26-522 of this Code.

Loading facility means a loading berth or other space used for the purpose of temporary loading and unloading or parking of trucks and motor vehicles other than motor vehicles principally designed for passengers.

Lot means (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development.

Major thoroughfare is defined in chapter 42 of this Code.

Management entity means a political subdivision, a local government corporation, or other entity that represents the property owners within its boundaries.

Manufactured home means a ~~structure~~building, transportable in one or more sections, which is eight body feet or more in width and 32 feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air-conditioning and electrical systems.

Manufacturing facility means a building ~~that contains facilities~~ for the performance of an operation or activity to make or process a raw or partially completed material into a finished or partially finished product.

Memorandum of lease means an agreement in recordable form signed by both a lessor and lessee setting forth the legal description of the property covered, the term of the lease and providing that the applicable property will be used exclusively for the parking of motor vehicles for the related use.

Mini-warehouse facility~~ies~~ means a building ~~or group of buildings within an area~~

~~primarily designed~~ that contains facilities designed to as contain space in individual compartments available to the general public for rent or lease ~~for as~~ storage.

Miniature golf means a tract that contains facilities for ~~simplified version of playing golf played~~ on a miniature course.

Movie theater means a building ~~containing that contains~~ facilities for showing motion pictures to an audience or audiences.

Museum means a building ~~or buildings~~ that contains facilities for the ~~loan or~~ display of ~~books, objects of art, and science, history, or other objects of cultural significance.~~

Nursery school or day care center means a building that contains facilities related to the care and education of children primarily under six years of age including the age of six years. It shall include, but not ~~be~~ limited to, all buildings and facilities licensed by the State of Texas as child care facilities, ~~under Chapter 42 of the Texas Human Resources Code.~~

Nursing home means a building containing facilities licensed by the State of Texas to provide accommodations for convalescents or other persons who are not acutely ill and not in need of hospital care but require skilled care and related medical services.

~~Occupancy means the classification of the use of a building or structure pursuant to section 26-492 of this Code.~~

Occupants means the number of students, staff and guests estimated to be inside a building as reflected by the latest utility capacity reservation letter for each facility building.

Off-site parking means a parking facility ~~or facilities~~ located on a site tract other than ~~the the tract where the site use classification is located for which a building or certificate of occupancy is sought that and which facilities~~ must be available for parking for the use classification operated in order to comply with the requirements of this article.

Office means a building that contains facilities for housing professional, administrative, educational, financial, religious, philanthropic, scientific or statistical organizations or a building in which the regular transaction of business occurs ~~if that building has that is not more adequately described not been covered as a different use classification by elsewhere in this article.~~

On-site means a location which is a genuine part of a development and located on a contiguous tract ~~or parcel of land~~, subdivided lot or contiguous lots, or parts thereof, or on acreage intended and suitable for development. An on-site location does not include properties located across a public street or right-of-way.

Park pavilion means an enclosed or semi-enclosed building ~~containing that contains~~ facilities for picnicking or recreation.

Parking facility means a parking lot, parking garage, loading berth, or other collection of

parking spaces or bicycle spaces used for the purpose of temporary parking of vehicles.

Parking factor means the unique quality of a use classification that is used to calculate the required number of parking spaces, bicycle spaces, and loading berths of a use classification, such as, by way of example, gross floor area, useable floor area, number of dwelling units, employees, sleeping rooms, occupants, storage units or bays, seats, golf course greens, bowling alley lanes, etc.

Parking lift means a mechanical device suitable for indoor and outdoor use powered by an electric motor or hydraulic pump used to increase parking capacity within a parking facility by moving motor vehicles into a temporary storage position.

Parking management plan means a plan submitted by a management entity that describes the shared parking plan, alternative parking regulations, or substituted parking ratios in a special parking area.

~~Parking management area or PMA district means a high density urban development with a minimum of 3,500,000 GFA and a minimum floor area ratio of 1.0 an area designated by council under a unified management entity in close proximity to permanent transit facilities that alternative parking requirements.~~

~~Parking space means an identified and marked area wholly within private property which that is all-weather surfaced and which that is designed for the storage of one parked vehicle complies with the requirements of this article.~~

~~Permit means a building permit or an occupancy a certificate issued by the building official.~~

~~Private sector parking Parking facility means a facility or facilities used for the purpose of storing parked vehicles.~~

~~Psychiatric hospital means a building containing that contains facilities licensed by the State of Texas Texas Department of Mental Health and Mental Retardation to provide care of the mentally ill or mentally disabled or retarded.~~

~~Reciprocal easement agreement means a written agreement in recordable form between two or more property owners which that includes, but is not limited to, a restriction on the use of certain property for parking purposes and designates describes the building or buildings tract which shall be that is -entitled to the exclusive use of the designated parking areas facilities.~~

~~Responsible party means the property owner or his or her designated agent, landlord, tenant, holder of certificate of occupancy, management entity, or other person or entity to which this article applies who is responsible for complying with certain ongoing duties and responsibilities of a person or entity to which this article applies regardless of whether they are an applicant requesting a building permit, development plat, site plan review, review of a~~

shared parking agreement, memorandum of lease, designation of a special parking area, or other provision of this article.

Restaurant means a building that contains facilities for the preparation of food or drinks to serve to customers including, but not limited to, coffee shops, cafeterias, concession stands, luncheonette, tavern, sandwich stand, soda fountain, and any other eating establishment, organization, or clubs that provide food service, including veterans' clubs which that gives or offers food for sale to the general public.

Restaurant (take-out or drive-through only) means a restaurant which does not provide seating for on-premises consumption of food or beverages.

~~*Restaurant (with drive-in or drive-through facilities)* means a restaurant which includes facilities for the service of meals, or portions thereof, to a person or persons while in automobiles.~~

~~*Retail store (freestanding)* means a freestanding building which that is generally designed contains facilities for the retail sale or rental of commonly used goods or merchandise including but not limited to, clothing stores, apparel stores, furniture stores, discount stores, or establishments providing products or services including, but not limited to: household cleaning and maintenance products stores, office supplies stores, drug stores, cards, stationery, notions, book stores, tobacco products, cosmetics, and specialty items, flowers, plants, hobby materials, toys and handcrafted items, jewelry, fabrics, and like items, cameras, photography services, household electronic equipment, records, sporting goods stores equipment, kitchen utensils, home furnishings and appliances, art supplies, framing supplies, antiques, paint and wallpaper, carpeting, floor covering, interior decorating services, office supplies, or bicycles etc.~~

Retirement community (with kitchen facilities) means a building ~~or series of buildings containing that contains~~ two or more individual dwelling units with individual kitchen facilities ~~which that are~~ -are:

~~——(1)——~~ ~~S~~specifically designed and restricted in use for to meet the needs of persons over 55 years of age. ~~;~~ ~~and~~

-

~~——(2)——~~ ~~Restricted for use for such purposes.~~

Retirement community (without kitchen facilities) means a building that contains two or more individual dwelling units without individual kitchen facilities that are specifically designed and restricted in use for the needs of persons over 55 years of age.

~~means a building or series of buildings containing two or more dwelling units without individual kitchen facilities which are:~~

~~——(1)——~~ ~~Specifically designed to meet the needs of persons over 55 years of age; and~~

~~(2) Restricted for use for such purposes.~~

~~Roller or ice skating rink means a building that contains facilities establishment designed primarily for use as a roller skating or ice skating area with that may include a limited auditorium seating area.~~

~~School (public, denominational or private) means a building that contains facilities operated by a public, religious, or other agency with a curriculum for kindergarten, elementary or secondary education.~~

~~Service station means a building that contains facilities for the sale of gasoline service of motor vehicles including but not limited to, the sale of gasoline and automobile repair and maintenance.~~

~~Shared parking means the use of the same off-street parking stall space or stalls spaces to satisfy the off-street parking requirements for two or more individual land uses use classifications without significant conflict or encroachment.~~

~~Shopping center (community/regional) means a group of commercial establishments including but not limited to use classification 6, 7, 8 and 9 contained in a building or buildings encompassing a total building area from over 100,001 to 400,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.~~

~~Shopping center (neighborhood) means a group of commercial establishments contained in a one or more building or buildings encompassing a total building area GFA from greater than or equal to 25,000⁴ square feet and less than to 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking easement agreement or similar arrangement) with on-site parking.~~

~~Shopping center (regional) means a group of commercial establishments contained in one or more buildings encompassing a total GFA greater than or equal to 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal easement agreement or similar arrangement).~~

~~Shopping center (regional) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 400,001 to 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.~~

~~Shopping center (strip) means a group of commercial establishments contained in a one or more building or buildings encompassing a total building area GFA from 0 to below 25,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking easement agreement or similar arrangement) with on-site parking.~~

~~Shopping center (super regional) means a group of commercial establishments (including but not limited to use classification categories 6, 7, 8 and 9) contained in a building or buildings encompassing a total building area in excess of 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.~~

~~Single-family residential means the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be a single-family residential.~~

~~Single-family residential dwelling unit means a building designed to contain one or two separate living units with facilities for living, sleeping, cooking and eating.~~

~~"South Main/Texas Medical Center (South Main/TMC) means the area generally described as follows:~~

- ~~(1) The area included and bounded by Fannin, Holcombe, South Braeswood and North Macgregor and commonly known as the Original Campus.~~
- ~~(2) The area included and bounded by Holcombe, Main Street, Maroneal and Montclair and commonly known as the South Main Addition Hotel Site.~~
- ~~(3) The area included and bounded by Holcombe, South Braeswood, Braes Bayou and Fannin and commonly known as the Fay Addition.~~
- ~~(4) The area included and bounded by South Braeswood, Wyndale, Cambridge, Old Spanish Trail and Selma.~~
- ~~(5) The area included and bounded by Old Spanish Trail, Cambridge, El Paseo and Knight Street and commonly known as the South Campus.~~
- ~~(6) The area included and bounded by Old Spanish Trail, Almeda, Holcombe and Cambridge and commonly known as the Veteran's Administration Medical Center.~~
- ~~(7) The area included and bounded by Holcombe, Braes Bayou and the northerly extension of Cambridge and commonly known as the Holcombe/Meyer Tracts.~~
- ~~(8) The area included and bounded by South Macgregor Way, HB&T RR and SH 288 and commonly known as the Anderson Campus.~~
- ~~(9) The area included and bounded by Main Street, Holcombe, Fannin, Braes Bayou~~

~~and Greenbriar and commonly known as the South Main Addition.~~

~~(10) The area included and bounded by Fannin, Main, Holcombe and Macgregor.~~

~~(11) The area included and bounded by Holcombe, South Brasewood and Braes Bayou and commonly known as the Center Pavilion site.~~

~~(12) The area included and bounded by South Braeswood, Greenbriar, Old Spanish Trail and North Stadium and commonly known as one of the Smith Tracts.~~

~~(13) The area bounded by South Braeswood to the north and Greenbriar to the west, and being approximately the western half of the area included and bounded by South Braeswood, Phoenix, Colonnade and Greenbriar and commonly known as one of the Smith Tracts.~~

~~(14) The area bounded by Colonnade to the north, Greenbriar to the west, Old Spanish Trail to the south, and by the unrestricted tract in the Colonnade and Phoenix Drive Street Dedication Plat to the east and commonly known as one of the Smith Tracts.~~

~~(15) The area included and bounded by West Holcombe Boulevard to the north, Grand Boulevard to the east, Lockett Avenue to the south, and Alameda Road to the west.~~

~~(16) The area included and bounded by Dryden Street to the north, Main Street to the east, Southgate Boulevard to the south, and Travis Street to the west.~~

~~(17) The area included and bounded by Ewing Avenue to the north, Crawford Boulevard to the east, Hermann Avenue to the south, and La Branch Street to the west.~~

~~The South Main/Texas Medical Center is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "A," in Ordinance No. 93-1020 as Exhibit "A-1," in a metes and bounds description and map attached to Ordinance No. 2002-681 as Exhibit "A-2," and in a metes and bounds description attached to Ordinance No. 2007-1334 as Exhibit "A-3". Any reference in this article, or in Ordinance No. 89-712 to Exhibit "A" shall mean Exhibit "A" attached to Ordinance No. 89-712, Exhibit "A-1" attached to Ordinance No. 93-1020, Exhibit "A-2" attached to Ordinance No. 2002-681, and Exhibit "A-3" attached to Ordinance No. 2007-1334. All properties abutting and fronting on the streets included in the general description of this area may not be included on Exhibit "A," "A-1," "A-2," or "A-3."~~

~~*Special residential uses* means uses which include rooming houses, group dwellings, community facilities, homes for physically or mentally handicapped, lodging houses, hostels, or other similar uses.~~

Site plan means a detailed, graphical representation of the arrangement of buildings, parking and loading facilities, driveways and other improvements within on a given tract of land that is prepared and approved pursuant to section 26-473 of this Code.

Small restaurant means a freestanding restaurant that is less than or equal to 2,000 square feet of GFA including outdoor decks, patios and seating areas. If a small restaurant increases its GFA to over 2,000 square feet, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a small restaurant.

Special parking area means an area designated by city council and managed by a management entity that may have alternative parking requirements to those required by this article.

Special residential uses means uses which include means a residential building that is not single family-residential or an apartment that may contain rooming houses, group dwellings, community facilities, homes for physically or mentally disabled, lodging houses, hostels, or similar uses, or other similar uses.

Sports club or health spa means a building equipped that contains with facilities to promote and encourage for physical exercise, sports, development and relaxation.

Sports complex means a facility or area building or tract containing that contains facilities for playing baseball, softball, football, and soccer fields and or other sports related uses.

Stadium means a building with tiers of seats designed to accommodate spectator sports and other types of public amusement and entertainment.

Subdivision plat is defined in chapter 42 of this Code.

Supermarket means a building containing that contains facilities for the sale of a self-service retail food, groceries, and household goods store. Convenience stores shall be considered supermarkets, including but not limited to, convenience stores.

Swimming club means a building or area tract that contains facilities the designed primarily for y use of which is aquatic sports or recreation.

Tavern or pub means a freestanding bar, club or lounge that is less than or equal to 2,000 square feet of GFA including the building, outdoor decks, patios and seating areas. If a tavern or pub increases its GFA to over 2,000 square feet, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a tavern or pub.

Temporary classroom building means a building(s) built on skids and which is utilized by a public school district for the purpose of eliminating the shortage of classrooms in order to bring the student/teacher ratio into compliance with state law.

Tennis or racquet club means a building equipped that contains facilities with courts

designed for playing racquet sports.

Tent means a structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

Theater means a building or ~~areatract containing~~that contains facilities for the performance of theatrical, literary or lyrical productions.

Title report means a current report, commitment, opinion or title policy that: (1) is prepared and executed by a title company authorized and in good standing to do business in the State of Texas or by an attorney licensed by the State of Texas; (2) provides a legal description of the property proposed to be subdivided or developed; (3) identifies the owner and lienholder of the property subject to the subdivision plat or development plat and the recording information of each instrument by which each owner or lienholder acquired its respective interest; and (4) describes all encumbrances of record that affect the property and the recording information of each instrument by which each encumbrance was established.

Tract means a parcel of land.

~~Trade school means a building providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a college or university, or school (private, denominational or private).~~

Transit facility means a permanent facility owned and operated by the Metropolitan Transit Authority of Harris County (METRO) designed to serve as points of access to METRO's transit infrastructure, which is:

~~(1) Owned and operated by the Metropolitan Transit Authority (METRO);~~

~~(2) A permanent and integral part of the transit system of METRO;~~

~~(3) Designed to serve as a point from which METRO patrons take ingress and egress from the METRO transit system; and~~

~~(4) Existing and has a remaining useful life which is at least equal to or greater than the life of the structures existing or proposed to be constructed within a proposed parking management area.~~

~~In addition, to qualify transit facility, an applicant must obtain a written certification from METRO addressed to the commission that each such facility meets the requirements for designation as a transit facility under this definition.~~

Transportation terminal means a building ~~or structure which~~that is used to accommodate the arrival and departure of passengers by aircraft, motor bus, ship, or railroad train.

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Truck terminal means a building designed with two or more loading docks to facilitate the loading or unloading of trailer trucks.

~~*Uptown/Galleria* means an area generally described as follows:~~

- ~~(1) The area included and bounded by San Felipe, South Post Oak, Post Oak Lane and the south boundary of West Oaks Subdivision.~~
- ~~(2) The area included and bounded by San Felipe, West Loop South, Westheimer and McCue as extended to San Felipe.~~
- ~~(3) The area included and bounded by Brownway, Yorktown, Sage and West Alabama.~~
- ~~(4) The area included and bounded by McCue, Westheimer, Sage and a line approximately 600 feet north of and parallel to Westheimer.~~
- ~~(5) The area included and bounded by Westheimer, West Loop South, Richmond Avenue and Sage.~~

~~The Uptown/Galleria Area is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "C." All properties abutting and fronting on such streets included in this description of this area may not be included in Exhibit "C."~~

~~Use classification means the use of a building, ~~structure,~~ or tract for a purpose identified in ~~division 2 of this article~~this.~~

~~*Useable floor area* or *UFA* means the gross floor area of a ~~structure~~building excluding lobbies, hallways, restrooms, elevators, stairwells, mechanical shaft or ~~verticle~~vertical penetrations, atriums, mechanical rooms, ~~and and~~ service rooms..~~

~~*Valet parking plan* means a detailed graphical representation of the arrangement of parking spaces, drive aisles, and other improvements, that includes detailed dimensions of parking facilities that is prepared and approved pursuant to this article.~~

~~*Veterinary clinic* means a building, ~~the principal use of which is~~ that contains facilities for the examination and treatment of animals.~~

~~*Warehouse* means a building ~~in which~~ that contains facilities for the storage of goods or merchandise ~~are stored.~~~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 90-635, §§ 54, 55, 5-23-90; Ord. No. 92-1173, § 1, 9-2-92; Ord. No. 93-1020, §§ 1, 2, 9-25-93; Ord. No. 94-1268, § 4, 11-22-94; Ord. No. 96-958, §§ 2, 3, 9-18-96; Ord. No. 98-613, § 52, 8-5-98; Ord. No. 02-399, § 54, 5-15-02; Ord. No. 02-681, § 1, 7-31-02; Ord. No. 07-464, § 7(Exh. B), 4-18-07; Ord. No. 07-1334, § 1, 11-28-07)~~

Sec. 26-473. Site plan submittal requirements for off-street parking and loading; ~~penalty for article violations.~~

~~(a) (a) All to which this article applies~~ An applicant shall submit a site plan ~~to the department prior to obtaining a certificate of occupancy or a building permit, or in conjunction~~ with a development plat ~~required by chapter 42 of this Code. The site plan shall~~ plan must conform to the following standards:

- ~~(1) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule when the site plan is not submitted in conjunction with a development plat;~~
- ~~(2) The site plan must be to scale, contain the north arrow, and contain bearings, and dimensions, and boundaries of the all subject tracts related to the use classification and the parking facilities.;~~
- ~~(3) The site plan must include the calculation used to determine the number of parking spaces~~ contain a parking calculation table, bicycle spaces, and loading berths required by this article.;
- ~~(4) Include a survey of the tract or a copy of the most recently recorded subdivision plat of the tract; and~~
- ~~(5) The site plan must show:~~

a. _____

- ~~a. Each existing and proposed building, including dimensions and GFA of each building;~~
- ~~b. Each proposed alteration to a building or tract, including dimensions and GFA of each alteration;~~
- ~~c. The dimensions, design, and location of parking spaces, bicycle spaces, bicycle racks, loading berths, drive aisles, and landscaping islands, and other physical features relating to layout of parking and loading facilities;~~
- ~~d. Existing and proposed trees, and shrubs, and screening fences required by the landscaping requirements of article V of chapter 33 of this Code;~~
- ~~e. Building setback lines required by chapter 42 of this Code or contained in any separately recorded instruments;~~
- ~~roposed building alterations:~~
- ~~f. The location of above-ground existing and planned physical features such as utility poles, fire hydrants, dumpsters, and bollards and other obstructions;~~

~~he dimensions, square footage of GFA and UFA, as applicable, of existing and proposed buildings, structures or improvements;~~

~~g. The location of sidewalks and other improvements existing conditions within the pedestrian walkway such as sidewalks, utility poles, and intersection crossings;~~

~~g. he dimensions of parking spaces, drive aisles, and landscaping islands;~~

~~h. The location, dimensions, distance, and clearly delineated pedestrian route to off-site parking facilities, as applicable; and~~

~~i. The location and configuration of each drop-off, drive-in, or drive-through facility, as applicable.~~

~~(b) The following documents must be submitted with a site plan, as applicable:~~

~~a. Covenants and restrictions recorded in the real property records affecting the tracts contained in the site plan;~~

~~b. Licenses, permits, and other documentation required by federal, state, and other governments for the operation of a use classification listed in division 2 of this article;~~

~~c. All documents relied upon in making the calculation required by section 26-473(a)(3) of this Code, for example, floor plans, layout of golf course greens, tennis courts, outdoor decks, patios, and seating areas;~~

~~d. The most recent utility capacity reservation letter;~~

~~e. A valet parking plan;~~

~~f. A shared parking plan;~~

~~g. A memorandum of lease;~~

~~h. The layout and description of proposed amenities for extending the distance of off-site parking in accordance with this article, as applicable; and~~

~~i. A title report.~~

~~;~~ ~~and~~

~~— he location of proposed off-site parking and, as applicable.~~

~~For buildings, structures or tracts that propose to lease off-site parking or use shared parking, the site plan must be submitted with a title report and either a survey of the subject tract~~

or a copy of the most recently recorded subdivision plat of the subject tract;

26-474. Review of site plan and building permit.

~~(aba) Upon receipt of a site plan containing all the information required by section 26-473 of this Code, the director shall perform The a review of the site plan review to verify compliance with all the off-street parking requirements of this article will be performed by the department. The site plan review process must be completed prior to the issuance of a building permit or certificate of occupancy. The building official shall not issue a building permit for the construction of a building or alteration to a building or tract within the city unless the director approves the site plan verifying that the applicant provides for the parking and loading facilities required by this article.~~

~~(cb) No building permit shall be issued by the building official for the construction or alteration of a building or an increase in the unit of measurement used to calculate the required number of parking spaces within the city unless the director approves the site plan verifying that the applicant provides for the parking and loading needs for the facilities subject tract as required in this article except as provided in divisions 4, and 5, and 6 of this article. The director will be responsible for the review and approval of the site plan for compliance with the requirements of this article.~~

~~(dbc) The building official shall not issue a No certificate of occupancy, as that term is used in the Building Code, shall be issued by the building official for a new or altered building the construction of a building or alteration of a to a building or tractor an increase in the unit of measurement to calculate the required number of parking spaces wherein there has been a change in the use or occupancy classification unless the applicant constructs or provides for the required parking and loading facilities required for the new type of occupancy or use are constructed or provided. Prior to the issuance of a certificate of occupancy, the building official shall inspect the parking and loading facilities provided to verify compliance with the approved site plan.~~

~~(c) The director shall not approve a site plan and the building official shall not issue a building permit or certificate of occupancy until the applicant has produced all supporting documentation including required licenses, title reports, deed restrictions, surveys, and other required documentation prior to the approval of a site plan, building permit, or certificate of occupancy. Any site plan approved or building permit or certificate of occupancy issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the city or any other person or agency.~~

~~(d) The director shall not approve a site plan containing a drop-off, drive-in, or drive-through facility configuration unless the configuration provides sufficient area for access to the drop-off, drive-in, or drive-through facility without blocking the public right-of-way or any parking space required by this article. The director shall consider the recommendation of the traffic engineer regarding the configuration before approval of the site plan. The building official shall not issue a building permit or certificate of occupancy for any use classification containing a drop-off, drive-in, or drive-through facility unless the director approves the site plan.~~

~~(e) The director shall deny in writing all building permit applications and site plans that do not comply with the requirements of this article.~~

~~(f) The building official may issue a building permit that does not require the construction of parking or loading facilities required by this article if:~~

~~the building permit is for the reconstruction of an existing building after fire, damage or other casualty not intentionally caused by the owner of which 50 the building or the owner's agent and the estimated cost to rebuild is less than 75 percent or less was physically destroyed by flooding, fire, windstorm or acts of God. This exemption shall apply only where of the estimated replacement cost of the entire building, not including the estimated replacement cost of the building foundation; and~~

~~(2) the reconstruction of that building will would not result in an increase in the GFA or UFA of the building or a change in the use classification of the building.~~

~~(f) Except as provided in section 26-499(h) of this Code, no site plan review shall be required for work performed by a tenant, on behalf of a tenant, in:~~

~~(1) A shopping center; or~~

~~(2) A portion of a building in excess of 20,000 square feet of GFA, unless that tenant finish work alters the exterior dimensions of the shopping center or the building. For buildings that are less than 20,000 square feet of GFA, a site plan review for compliance with this article shall be required where a change of occupancy is proposed for all or a portion of that building.~~

~~In addition, the building official shall issue a building permit that does not require the construction of parking or loading facilities if the building permit does not pertain to the construction or alteration of a building for the purpose of increasing the intensity of use on the site and does not result in an increase in intensity of use on the site or a change in use of that building specifically including, but not limited to, finish work performed by a tenant, or on behalf of tenant, in all or a portion of a shopping center or other structure.~~

~~(d) The city council hereby finds and declares that a central business district(s) as herein defined has in place:~~

~~(1) A demonstrated modal split of at least 20 percent ridership in favor of public transportation;~~

~~(2) A significant level of parking that is available to the public without restriction (except for payment of a fee) that provides supplemental parking to that provided as a part of the individual land uses in the district(s); and~~

~~(3) Hourly loading restrictions imposed by ordinance of the city council.~~

~~Having made these findings, city council has determined that the central business district has in place an adequate level of parking and loading facilities and it is hereby exempted from the requirements of this article.~~

~~(e) 26-475. Violations.~~

~~It shall be a violation of this article for any person to construct or alter any building or improvement upon any property within the territorial limits of the city without first complying with the provisions of this article; provided, however, that no submission or approval of a site plan shall be required for the construction or alteration, of a building or improvement within the central business district. Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than \$100.00 nor more than \$500.00. Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this article.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 92-1449, § 41, 11-4-92; Ord. No. 96-958, § 4, 9-18-96; Ord. No. 02-399, § 55, 5-15-02; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. ~~26-474~~756. Deed restriction compliance.

(a) A site plan submitted for review in order to verify compliance with all of the off-street parking requirements of this article shall not include any land for off-site parking that is used for or restricted to single-family residential use where the use or intended use of that restricted property as an off-site parking facility for a nonresidential-different purpose or enterprise would violate the applicable deed restrictions.

(b) No site plan submitted for review pursuant to this article shall be approved by the director if any of the off-site parking facility or facilities utilized to satisfy the off-street parking requirements of this article includes any land that is used for or restricted to single-family residential use and the use or intended use of that restricted property as an off-site parking facility for a nonresidential-different purpose or enterprise would violate the applicable deed restrictions.

(c) Every applicant who submits a site plan for review to verify compliance with the requirements of this article shall furnish to the director a certified copy of the instruments containing the deed restrictions, or the instrument of revocation or termination, or the declaratory judgment, or any other recorded document containing restrictions that affect the use of all or any part of the property within the site plan, including all on-site and off-site parking facilities. If there are no recorded restrictions affecting the use of any of the property included within the site plan then the applicant shall submit a current abstractor's certificate or a title commitment report which expressly states that there are no recorded restrictions applicable to the subject property. ~~An abstractor's certificate or A~~ a title commitment report or abstractor's certificate -required by this section shall be prepared within 30 days prior to the date submitted by a title company authorized by law to do business in this state or by an attorney licensed to practice law in this state.

Sec. 26-476. Reconstruction after Casualty.

The building official shall issue a building permit that does not require the construction of a parking and loading facility required by this article if:

(a) The building permit is for the reconstruction of a building damaged by fire or other casualty not intentionally caused by the owner of the building or the owner's agent and the estimated cost to rebuild is less than 75 percent of the estimated replacement cost of the entire building, not including the estimated replacement cost of the building foundation; and

(b) The reconstruction would not result in an increase in the parking factor or a change in the use classification of the building or tract.

Sec. 26-477. Violations.

(a) It is a violation of this article for any person to construct a building or alter a building or tract in the territorial limits of the city without first complying with the provisions of this article. Any person violating any provision of this article is guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than \$100.00 and not more than \$500.00. Each day that a violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall not be a bar to any other remedy or relief for violation of this article.

(b) If a person constructs a building or alters a building or tract prior to complying with the requirements of this article, the fees described in this article shall be doubled for construction or alteration required to comply with the provisions of this article—shall be doubled. The paying of a double fee shall not relieve a person from complying with the requirements of this article, and shall not be a bar to any other remedy or relief for violation of this article.

~~—(d) No site plan shall be approved and no building permit or certificate of occupancy shall be issued until the requested supporting documentation has been produced. Any site plan approved or permit issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the city or any other person or agency.~~

~~(Ord. No. 92-53, § 2, 1-22-92; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Secs. 26-475--26-490. Reserved.

Section 26-477. Central usiness District.

~~—(a) The city council hereby finds and declares that a central business district as herein defined has in place:~~

~~—(1) A demonstrated modal split of at least 20 percent ridership in favor of public transportation;~~

~~—(2) A significant level of parking that is available to the public that provides supplemental parking in the district; and~~

~~_____ (3) _____ Hourly loading restrictions imposed by ordinance of the city council.~~

~~(b) _____ Having made these findings, city council has determined that the central business district has in place an adequate level of parking and loading facilities and it is hereby exempted from the requirements of this article.~~

Secs. 26-4788--26-4908. Reserved.

DIVISION 2.

REQUIREMENTS FOR PARKING SPACES AND BICYCLE SPACES

Sec. 26-~~491489~~. In general.

~~The building official shall not issue a No-building permit or certificate of occupancy shall be issued~~ for the construction of a building or alteration of a building; ~~in or tract to be used as one of the categories listed in section 26-492 of this Code~~ unless the building or tract includes the construction of or provides for the off-street parking facilities required by this article. ~~Such~~ The parking facilities shall be on the same site-tract as the use classification those facilities are intended to serve except as otherwise provided for in this article.

Sec. 26-490. Use of parking space.

All required parking facilities shall conform to the following standards:

(a) _____ Parking facilities shall be:

(1) _____ Available for use by employees, customers, and patrons;

(2) _____ Maintained at all times the building or tract is in use or occupied; and

(3) _____ Used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity;

(b) _____ Parking facilities that are required by this article shall only be used for parking, and are not to be used for any other use, including but not limited to, the sale, display or storage of merchandise, as a place of public gathering, or for the storage or repair of vehicles or equipment. No parking spaces required by this article shall be covered with a tent. If a tract provides for more parking spaces than the number required by this article, the excess number of parking spaces may be covered by a tent or used for any purpose permitted by law. All parking spaces required by this article may be used for valet parking in accordance with the requirements of this chapter.

(c) For a project that will be built in phases, an applicant may install the required parking spaces in phases if the applicant a schedule for phased development that has been approved by the director. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This schedule for phased development must indicate the dates on which all parking approved pursuant to this article will be provided.

Sec. 26-491. Fractional requirements.

(a) If the parking space requirements of this article result in a fractional requirement that is 0.5 or greater, the applicant or responsible party shall provide parking spaces equal to the next higher whole number.

(b) If the bicycle space requirements of this article result in a fractional requirement, the applicant shall provide bicycle spaces equal to the next higher whole number.
(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-492. Parking spaces for certain types of ~~occupancies~~ use classifications.

~~Except for buildings, structures, or tracts located in a parking management area district created under the provisions of section 26-51500 of this Code, t~~The construction of a building or alteration of a building or tract for any of the following types of ~~occupancies~~ use classifications shall provide the ~~requisite required~~ number of ~~off-street~~ parking spaces and bicycle spaces, or the incremental increase in the number of ~~off-street~~ parking spaces and bicycle spaces in the case of an alteration, as shown below for that ~~type of occupancy~~ use classification. ~~The requirements of this division do not apply to the placement of a temporary classroom building(s) for public schools where:~~

~~(1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and~~

~~(2) An analysis of the public school site and the buildings thereon support the conclusion that timely compliance with the statutory student/teacher ratio cannot be achieved without the installation of the temporary classroom building(s).~~

<u>Type of Occupancy</u> <u>Use Classification</u>	<u>Required Number of</u> Parking Spaces
Class 1. Office:	
a. Office	2.5 <u>parking</u> spaces for every 1,000 square feet of GFA or 2.75 <u>parking spaces</u> for every 1,000 square feet of UFA
b. Financial facility	4.0 <u>parking</u> spaces for every 1,000 square feet of GFA <u>(see also section 26-541(a)(4))</u>
Class 2. Residential:	

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a. Apartment house	1.250 <u>parking</u> spaces for each efficiency apartment dwelling unit
	1.333 <u>parking</u> spaces for each one-bedroom apartment dwelling unit
	1.666 <u>parking</u> spaces for each two-bedroom apartment dwelling unit
	2.0 <u>parking</u> spaces for each apartment-dwelling unit with 3 or more bedrooms
b. Single-family residential <u>or dwelling unit manufactured home</u>	2.0 parking spaces for each dwelling unit, except that secondary <u>dwelling units not larger than 900 square feet of GFA shall provide 1.0 parking space</u>
c. Manufactured home	2.0 parking spaces per dwelling unit
dc. Special residential uses	0.3 parking spaces per sleeping room, plus 1.0 parking space per employee on largest shift
ed. Retirement community (with kitchen facilities)	0.75 <u>parking</u> spaces per dwelling unit, plus <u>parking spaces for support based upon the provisions of section 26-499 of this Code 1.0 space per employee on the largest shift</u>
fe. Retirement community (without kitchen facilities)	1.0 <u>parking</u> space for every 6 beds, plus 1.0 <u>parking</u> space per employee on largest shift
gf. Hotel or motel	1.0 parking space for each sleeping room up <u>and including to</u> 250 rooms;
	0.75 parking spaces for each sleeping room from 251 rooms to 500 rooms;
	0.50 parking spaces for each sleeping room in excess of 500 rooms
Class 3. Health Care Facilities:	
a. Hospital	2.2 <u>parking</u> spaces for each bed proposed to be constructed

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b. Psychiatric hospital	1.0 <u>parking</u> space for each every 4 beds proposed to be constructed and 1.0 <u>parking</u> space for every 4 employees
c. Clinic (medical complex)	2.7 <u>parking</u> spaces for every 1,000 square feet of GFA
d. Clinic (medical or dental)	3.5 <u>parking</u> spaces for every 1,000 square feet of GFA
e. Nursing home	1.0 <u>parking</u> space for every 3 beds proposed to be constructed and 1.0 <u>parking</u> space for every 4 employees
f. Funeral home or mortuary	0.5 <u>parking</u> spaces for every chapel seat
g. Veterinary clinics	5.0 <u>parking</u> spaces for every 1,000 square feet of UFA
Class 4. Industrial <u>and</u> , Commercial Manufacturing:	
a. Multi-tenant (or multi-building project):	
1. At grade (no docks)	2.5 <u>parking</u> spaces per 1,000 square feet of GFA of office space; and 1.0 <u>parking</u> spaces per 5,000 square feet of GFA of warehouse space ee
2. Semi-dock high	2.5 <u>parking</u> spaces per 1,000 square feet of GFA of office space; and 1.0 <u>parking</u> spaces per 5,000 square feet of GFA of warehouse space
3. Full-dock high	2.5 <u>parking</u> spaces per 1,000 square feet of GFA of office space; and 1.0 <u>parking</u> spaces per 7,000 square feet of GFA of warehouse space
b. Bulk warehouse	2.5 <u>parking</u> spaces per 1,000 square feet of GFA of office space; and 1.0 <u>parking</u> spaces per 7,000 square feet of GFA of warehouse space
c. Heavy manufacturing and industrial	2.5 <u>parking</u> spaces per 1,000 square feet of GFA of office space; and 1.0 <u>parking</u> spaces per 2,000 square feet of GFA of warehouse space

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d. Light manufacturing assembly and research and development	2.5 <u>parking</u> spaces per 1,000 square feet of GFA of office space; and 1.0 <u>parking</u> space per 1,500 square feet of GFA of assembly space
e. Transportation terminal	6.5 <u>parking</u> spaces per 1,000 square feet of GFA of waiting area
f. Truck terminal	1.0 <u>parking</u> spaces per 2,000 square feet of GFA
g. Mini-warehouse facilities	1.0 <u>parking</u> spaces for every 40 <u>50</u> storage units or bays
Class 5. Religious and Educational:	
a. Church	1.0 <u>parking</u> space for every 5 fixed seats in auditorium or sanctuary or, if there are no fixed seats, 1.0 <u>parking</u> space for every 40 square feet of GFA in the main auditorium or sanctuary
- b. Nursery school or day care center	1.0 <u>parking</u> space for every employee on duty during the largest shift, plus 1.0 <u>parking</u> space for every 5 children in attendance when the facility is operating at maximum capacity or, if drop-off, facilities are provided under section 26-541(a)(4) of this Code, 1.0 space for every employee on duty during the largest shift and 1.0 space for every 10 children in attendance when the facility is operating at maximum capacity
	<u>1.0 parking space for every employee on duty during the largest shift and 1.0 parking space for every 10 children in attendance when the facility is operating at maximum capacity if a drop-off, drive-in, or drive-through facility is provided</u>
c. School (public, denominational or private):	
1. Elementary school	1.5 spaces per thirty-person classroom <u>1.0 parking space per every 12 occupants</u>
2. Junior high school <u>(including a school for 9th grade only)</u>	3.5 spaces per thirty-person classroom <u>1.0 parking space per every 7 occupants</u>
3. Senior high school	9.5 spaces per thirty-person classroom <u>1.0 parking space per every 3 occupants</u>

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d. College, or university, or trade school	1.0 <u>parking</u> space for every 3 employees plus 1.0 <u>parking</u> space for every 10 students residing on campus and 1.0 <u>parking</u> space for every 5 students not residing on campus
e. Library	1.2 <u>parking</u> spaces for every 1,000 square feet of GFA
f. Art gallery or museum	3.0 <u>parking</u> spaces for every 1,000 square feet of GFA of exhibit area or gallery space
Class 6. Recreation and Entertainment:	
a. Golf course	5.0 <u>parking</u> spaces for every green
b. Movie theater	0.3 <u>parking</u> spaces for every seat
c. Bowling alley	5.0 <u>parking</u> spaces per lane
d. Theater, auditorium or arena	1.0 <u>parking</u> space for every 3 seats
e. Tennis <u>or</u> /racquet club	3.0 <u>parking</u> spaces per court
f. Sports club <u>or</u> /health spa	5.0 <u>parking</u> spaces for every 1,000 square feet of GFA
g. Roller or ice skating rink	5.0 <u>parking</u> spaces for every 1,000 square feet of GFA
h. Swimming club	9.0 <u>parking</u> spaces per employee
i. Park (5 <u>to</u> -10 acres)	1.0 <u>parking</u> space for the first 2 acres and 1.0 <u>parking</u> space for each additional acre and additional <u>parking spaces</u> must be provided for each additional facility <u>or separate land use use classification</u> constructed in the park as herein provided
j. Park (over 10 acres)	5.0 spaces for the first acre; and 1.0 space for each additional 10.0 acres <u>and</u> ; additional <u>parking spaces</u> must be provided for each additional facility or separate land use <u>classification</u> constructed in the park as herein provided
k. Park pavilion	1.0 <u>parking</u> space for each picnic table
l. Sports complex	1.0 <u>parking</u> space for every 40 square feet of seating
m. Miniature golf	1.0 <u>parking</u> space for each hole
n. Driving range (golf)	1.0 <u>parking</u> space for each tee

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o. Arcade or game room	1.0 space for every 200 square feet of GFA <u>5.0 parking spaces for every 1,000 square feet of GFA</u>
p. Billiard hall	2.0 spaces for every billiard table
Class 7. Bar or Restaurant <u>Food and Beverage</u> :	
<u>a. Restaurant (take-out or drive-through only)</u>	<u>4.0 parking spaces for every 1,000 square feet of GFA</u>
<u>b. Dessert shop</u>	<u>6.0 parking spaces for every 1,000 square feet of GFA</u>
<u>c. Small restaurant</u>	<u>8.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas in excess of 15% of GFA</u>
ad. Restaurant (including outdoor decks, patio and/or seating areas)	8.0-10.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas in excess of 15% of gross floor area <u>GFA</u>
<u>e. Tavern or Pub</u>	<u>10.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas</u>
bf. Bar, club or lounge (including outdoor decks, patio and/or seating areas)	10.0-14.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patios and/or seating areas
Class 8. Retail Services:	
a. Supermarket or convenience market	5.0 <u>parking</u> spaces for every 1,000 square feet of GFA
b. Clothing store	4.0 spaces for every 1,000 square feet of GFA
c.b. Furniture store	2.0 <u>parking</u> spaces for every 1,000 square feet of GFA
dc. Retail store (freestanding)	4.0 <u>parking</u> spaces for every 1,000 square feet of GFA
ed. Building materials or home improvement store	4.0 <u>parking</u> spaces for every 1,000 square feet of GFA of retail sales area
fe. Barber or beauty shop	3.0 spaces for each operator chair and 1.0 space for each employee <u>8.0 parking spaces for every 1,000 square feet of GFA</u>

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<u>gf. Shopping center (strip) (up to 25,000 square feet of GFA)</u>	<u>4.0 parking spaces for every 1,000 square feet of GFA, except the increment of GFA used for a bar, club or lounge shall provide the equivalent of 10 spaces for every 1,000 square feet of GFA⁺; plus the incremental increase in the number of parking spaces required by 26-495(a)</u>
<u>hg. Shopping center (neighborhood)(25,00004--100,000 square feet of GFA)</u>	<u>4.0 parking spaces per 1,000 square feet of GFA, plus the incremental increase in the number of parking spaces² required by 26-495(b)</u>
<u>i. Shopping center (community) (100,001--399,999)</u>	<u>4.0 spaces for every 1,000 square feet of GFA</u>
<u>jh. Shopping center (regional) (400,000--1,000,000 over 100,000 square feet of GFA)</u>	<u>54.0 parking spaces for every 1,000 square feet of GFA</u>
<u>k. Shopping center (super regional) (over 1,000,000 GFA)</u>	<u>4.0 spaces for every 1,000 square feet of GFA</u>
<u>l. Discount store</u>	<u>4.0 spaces for every 1,000 square feet of GFA</u>
Class 9. Automobiles:	
a. Auto sales dealer	5.5 parking spaces for every 1,000 square feet of GFA
b. Auto repair establishment	5.0 parking spaces for every 1,000 square feet of GFA
c. Car wash (automated)	2.5 parking spaces for each bay or stall for stacking space
d. Car wash (all other)	1.0 parking space per bay or stall
e. Service station	3.0 parking spaces for each service stall and 1.0 space for each employee on duty during largest shift
f. Auto parts and supply store	4.0 parking spaces for every 1,000 square feet of GFA of retail sales area.

Sec. 26-493. Unspecified uses.

The director shall determine the minimum number of parking spaces and bicycle spaces required for any use not specified in section 26-492 of this Code. The director shall consider the following criteria to determine the parking requirements for the unspecified use:

- (1) Documentation supplied by the applicant regarding actual and anticipated parking demand for the proposed use;

- (2) Evidence or data in available planning and technical studies relating to the proposed use;
- (3) Parking requirements for the proposed use as determined by other comparable jurisdictions; and
- (4) Parking requirements for similar uses.

Sec. 26-494. Changes in use classification for grandfathered uses.

For buildings or tracts with a valid building permit or certificate of occupancy that predates [insert the effective date of this ordinance], no additional parking shall be required for a change in use classification if the following criteria are satisfied:

- (1) The number of parking spaces provided at the time of the most recently approved site plan, building permit, or certificate of occupancy is maintained;
- (2) The change in use classification of the building or tract results in a lower overall parking requirement than the number of parking spaces that would be required by this article if the current use on the tract was newly constructed;
- (3) Any construction of new buildings shall provide for the off-street parking facilities required by this article for the new construction;
- (4) Any alteration of existing buildings on the tract that results in an increase in GFA or UFA shall provide for the parking facilities required by this article for the incremental increase in GFA or UFA; and
- (5) Any change in use classification to a class 7 use classification under section 26-492 of this Code is only to a restaurant (take-out or drive-through only).

~~¹If more than 20 percent of a shopping center is occupied or to be occupied by class 6 and/or 7 occupancies, other than a bar, club or lounge, then the incremental increase in the number of off-street parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific occupancy proposed for the new construction or alteration.~~

~~²If more than 20 percent of the shopping center is occupied or to be occupied by class 6 and/or 7 occupancies, then the incremental increase in the number of off-street parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific occupancy proposed for the new construction or alteration.~~

Sec. 26-495~~2~~.1. Shopping centers with certain use classifications.

(a) A shopping center (strip) that contains 20 percent or more of its GFA as a class 6 or 7 use classification, excluding a bar, club or lounge, pursuant to section 26-492 of this Code shall provide the incremental increase in the number of parking spaces required for the class 6 or 7 use classification. A shopping center (strip) that contains a bar, club, or lounge shall provide the

incremental increase in the number of parking spaces required for the bar, club, or lounge.

(b) A shopping center (neighborhood) that contains 20 percent or more of its GFA as a class 6 or 7 use classification pursuant to section 26-492 of this Code shall provide the incremental increase in the number of parking spaces required for the class 6 or 7 use classification.

(a) If more than 20 percent of a shopping center (strip) is used or to be used as class 6 or 7 use classification pursuant to Section 26-492 of this Code, or any percent used or to be used as a bar, club, or lounge, then the incremental increase in the number of parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific use classification proposed for the new construction or alteration.

(b) If more than 20 percent of the shopping center (neighborhood) is used or to be used by class 6 or 7 use classifications pursuant to Section 26-492 of this Code, then the incremental increase in the number of parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific use classification proposed for the new construction or alteration.

Sec. 26-496.2. Bicycle spaces for certain use classifications.

For all use classifications under classes 1, 6, 7, 8, and 9 in section 26-492 of this Code, one bicycle space is required for a use that contains more than 5,000 square feet of GFA and less than 25,000 square feet of GFA. An additional bicycle parking space is required for each incremental 25,000 square feet of GFA between 25,000 square feet of GFA and 150,000 square feet of GFA. Bicycle spaces required by this article shall conform to the design criteria of section 26-583 of this Code.

Sec. 26-497. Reduced parking space requirement for additional bicycle spaces.

(a) An applicant who provides bicycle spaces in addition to the minimum number of bicycle spaces required by section 26-496 of this Code shall receive a reduction of one parking space for every four additional bicycle spaces to the number of parking spaces required by section 26-492 of this Code.

(b) The maximum reduction in the number of parking spaces under this section shall be 10 percent of the number of parking spaces required by section 26-492 of this Code.

(c) A reduction of parking spaces under this section is available for all use classifications except single-family residential.

(d) Each additional bicycle space shall conform to the standards of section 26-583 of this Code.

Sec. 26-498.2. Reduced parking space requirement for a historic structure buildings.

For a structure building designated as a protected landmark, or a contributing structure within a historic district pursuant to a Article VII of Chapter 33 of this Code, the total number of off-street parking spaces required by this article shall be reduced by 40 percent. No reduction under this section shall be permitted for a building where an exterior alteration or rehabilitation was performed without a certificate of appropriateness required by article VII of chapter 33 of this Code.

~~Sec. 26-493. Unspecified uses.~~

~~— (a) — The director shall determine the appropriate use category classification in each case. If there is any uncertainty with respect to the amount of parking spaces required by the provisions of this article as a result of any indefiniteness as to the proposed use of a building or tract of land, the maximum requirement for the general type of use that is involved shall govern.~~

~~— (b) — The director shall determine the minimum number of parking spaces required for any use not specified above. The director shall consider the following in establishing parking requirements for an unspecified use:~~

~~— (1) — Documentation supplied by the applicant regarding actual and anticipated parking demand for the proposed use;~~

~~— (2) — Evidence or data in available planning and technical studies relating to the proposed use;~~

~~— (3) — Required parking for the proposed use as determined by other comparable jurisdictions; and~~

~~— (4) — Required parking for similar uses.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Sec. 26-494. Fractional requirements.~~

~~If the parking requirements of this article result in a fractional requirement, and that fraction is 0.5 or greater, the property owner shall provide parking spaces equal to the next higher whole number.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Sec. 26-495. Use of parking space.~~

~~All required parking facilities shall be available for employee and use and shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity and shall not be used for any other use including but not limited to the sale, display or storage of merchandise, as a place of public assembly, or for the storage or repair of vehicles or equipment. No required parking spaces may be covered with a tent. If a tract~~

~~provides for more parking spaces than the number required by this article, the excess number of parking spaces may be covered by a tent or used for any purpose permitted by law. An owner may install the required parking spaces in phases if the schedule has been approved by the director. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate the dates on which all parking approved pursuant to this article will be provided.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Sec. 26-496. Accessible parking.~~

~~Accessible parking spaces for vehicles operated by or for persons with disabilities shall be provided in accordance with state and federal standards. When only one parking space is required under this article, accessible parking requirements shall be in addition to the one parking space so required.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 96-958, § 6, 9-18-96; Ord. No. 02-399, § 56, 5-15-02; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Sec. 26-497. Parking for compact cars.~~

~~A maximum of 35 percent of the parking spaces required by this article may be designed and reserved for small or compact cars. In addition, no such in accordance with the dimensions specified in the Building Code. No designated spaces for compact spaces cars shall be permitted in any building designed to be used for residential purposes or in parking lots of less than 40 parking spaces. Compact parking spaces shall be identified by appropriate directions and marking.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. 26-499. Off-site parking.

(a) A parking space required by this article may be provided on off-site parking facilities if the following conditions are met:

(1) The off-site parking facilities are located less than 250 feet from the tract where the use classification is located except as provided for in items (2) and (3) of this subsection;

(2) Up to 25 percent of the required number of parking spaces may be provided on off-site parking facilities located:

a. Less than 800 feet from a tract where the use classification is located if the building for which the off-site parking is being provided contains less than 30,000 square feet of GFA; or

b. Less than 1000 feet from a tract where the use classification is located if:

(i) The building for which the off-site parking is being provided contains less than 30,000 square feet of GFA; and

_____ (ii) The director determines in his or her sole professional judgment that sufficient pedestrian amenities mitigate the impact of the extended distance of the off-site parking facilities.

(3) Up to 75 percent of the required number of parking spaces for a freestanding class 7 use under section 26-492 of this Code may be provided on off-site parking facilities located up to 1,000 feet from a tract where the use classification is located if:

a. The off-site parking facilities are used only for valet parking services in accordance with this chapter;

b. Valet parking services for the off-site parking facilities must be available during all operating hours of the use classification;

c. 25 percent or more of the parking spaces required by this article are located either on-site or on off-site parking facilities located within 250 feet of the tract where the use classification is located; and

d. The applicant or responsible party submits an annual certification of valet parking in accordance with the requirements of section 26-502 of this Code.

(4) The off-site parking spaces required by this article are not already being used to satisfy the parking requirement of a different building or tract.

(b) All distances shall be measured as the shortest clearly delineated pedestrian route between the property boundary of the tract where the use classification is located to the property boundary of the off-site parking facility as measured along sidewalks and other passageways that are open and accessible to the public at all times.

(c) When an off-site parking facility is located on a tract that is not owned by an applicant or responsible party for the property requiring the parking spaces, the applicant or responsible party shall provide to the department a memorandum of lease that complies with the requirements of section 26-501 of this chapter.

(d) Different requirements for off-site parking facilities may be provided for within a special parking area in accordance with division 3 of this article.

(e) This section does not apply to bicycle spaces or loading facilities required by this article.

Sec. 26-498. Off-site parking-

_____ (a) Except as otherwise provided herein specifically including but not limited to land included within a PMA parking management district created under the provisions of section 26-51500 of this Code, no site plan or building permit shall be approved by the department unless at least 75 percent of the parking facilities required by this article are located on the site for which the permit is

~~sought. Provided, however, that all or any portion of the parking facilities required by this article may be located off the site for which the permit is sought if those parking facilities are located no more than 250 feet measured from from a public entrance and that the property boundary of the site to the property boundary of the off-site parking facility unless the parking is in an urban area. If in an urban area, the parking facilities must not be located more than 800 feet from the property boundary of the site to the property boundary of the off-site parking facility. The 250 feet is or 800 feet, if in an urban area, must be on a clearly delineated pedestrian path or walkway.~~

~~(b) No site plan or building permit shall be approved by the director for any off-site parking facility intended to provide 25 percent or less of the parking requirements imposed by this article for that use, unless a principal public entrance for such parking facility is located 500 feet or less from a principal public entrance to the proposed or existing building; provided, however, that parking areas designated for employee parking only may be up to 500 feet from an employee entrance to the structure. All distances shall be measured along sidewalks and other passageways which are intended to be and remain open to the public at all times. In the event that more than one parking facility or building is to be constructed or provided under the requirements of this article, the director, based on recommendations from the traffic engineer, shall determine compliance with this section on the basis of the distance between a principal property boundaryentrance of the structure containing the parking facility and a principal property boundaryentrance of the nearest building to be served by such facility or facilities.~~

~~(c) Where off-site parking is proposed in excess of that otherwise permitted in this section, no permit shall become effective, and no use dependent upon such parking shall begin or continue, unless and until a variance has been granted under the provisions of division 65 of this article and until a memorandum of lease (or the complete lease agreement) in recordable form duly signed and acknowledged by the owner of the land to be used for parking shall have been furnished to the city, in form and substance approved by the city's legal department.~~

~~(d) The memorandum of lease (or complete lease agreement) shall provide that the leased property shall be used solely for parking purposes and shall insure the continued availability of the off-site parking facilities for the use they are intended to serve. The memorandum of lease (or complete lease agreement) must have an effective term of at least five years after the time of its recordation. In the event of the termination of the lease or if the leased property which is required to meet the minimum parking requirements ceases to be used for such purpose for whatever reason, immediate steps shall be taken by the holder of the certificate of occupancy to obtain substitute approved parking which will comply with the requirements of this article. If no such acceptable arrangements are made within 90 days, the director may revoke the certificate of occupancy for that use and that use shall cease immediately. Provided, however, that if a holder of a certificate of occupancy has provided for leased property to be used solely for parking purposes as herein provided, and that leased property becomes unavailable through no fault of the holder of the certificate of occupancy or is rendered unusable through no fault of the holder of the certificate of occupancy, that holder must make substitute approved parking arrangements which comply with the provisions of this article within 120 days. If such arrangements are not made within that time frame, the director may revoke the certificate of occupancy for that use and that use shall cease immediately.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. 26-500499. Shared parking requirements.

(a) Two or more different use classifications within one or more tracts that are not used for or restricted to single-family residential purposes may share parking spaces to reduce the overall parking space requirement as provided in this section. This section shall not be used to reduce the number of required bicycle spaces or loading berths.

(b) The following formula and table shall be used to determine the adjustment of the minimum number of parking spaces required by this article:

(1) Determine the number of parking spaces required by section 26-492 of this Code for each use classification individually;

(2) Multiply the number derived from item (1) of this subsection for each individual use classification by the corresponding percentage listed in the rows of the table found in this subsection for each time period found in the columns of the table;

(3) Add the numbers derived from item (2) of this subsection for each time period found in the columns of the table. This is the column total for each column; and

(4) Determine the largest column total. This is the shared parking space requirement.

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<u>Class</u>	<u>Type of Use</u>	<u>Typical Weekday</u>				<u>Typical Weekend</u>			
		<u>Midnight to 7AM</u>	<u>7AM to 5PM</u>	<u>5PM to 9PM</u>	<u>9PM to Midnight</u>	<u>Midnight to 7AM</u>	<u>7AM to 5PM</u>	<u>5PM to 9PM</u>	<u>9PM to Midnight</u>
<u>Class 1. Office</u>	<u>Office</u>	<u>5%</u>	<u>100%</u>	<u>30%</u>	<u>5%</u>	<u>0%</u>	<u>10%</u>	<u>0%</u>	<u>0%</u>
	<u>Financial facility</u>	<u>0%</u>	<u>100%</u>	<u>10%</u>	<u>0%</u>	<u>0%</u>	<u>25%</u>	<u>0%</u>	<u>0%</u>
<u>Class 2. Residential</u>	<u>Apartment</u>	<u>100%</u>	<u>25%</u>	<u>50%</u>	<u>95%</u>	<u>100%</u>	<u>65%</u>	<u>50%</u>	<u>85%</u>
	<u>Hotel or motel</u>	<u>100%</u>	<u>10%</u>	<u>50%</u>	<u>85%</u>	<u>100%</u>	<u>10%</u>	<u>50%</u>	<u>75%</u>
<u>Class 3. Health Care Facilities</u>	<u>Clinic (medical complex)</u>	<u>5%</u>	<u>100%</u>	<u>50%</u>	<u>5%</u>	<u>0%</u>	<u>10%</u>	<u>0%</u>	<u>0%</u>
	<u>Clinic (medical or dental)</u>	<u>0%</u>	<u>100%</u>	<u>25%</u>	<u>0%</u>	<u>0%</u>	<u>25%</u>	<u>0%</u>	<u>0%</u>
	<u>Veterinary clinic</u>	<u>0%</u>	<u>100%</u>	<u>5%</u>	<u>0%</u>	<u>0%</u>	<u>25%</u>	<u>0%</u>	<u>0%</u>
<u>Class 4. Industrial, Commercial Manufacturing</u>	<u>All</u>	<u>10%</u>	<u>100%</u>	<u>50%</u>	<u>10%</u>	<u>10%</u>	<u>25%</u>	<u>10%</u>	<u>0%</u>
<u>Class 5. Religious and Educational</u>	<u>Church</u>	<u>0%</u>	<u>5%</u>	<u>25%</u>	<u>0%</u>	<u>10%</u>	<u>100%</u>	<u>40%</u>	<u>0%</u>
	<u>Nursery/day care</u>	<u>0%</u>	<u>100%</u>	<u>5%</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>	<u>0%</u>	<u>0%</u>
	<u>School</u>	<u>0%</u>	<u>100%</u>	<u>5%</u>	<u>0%</u>	<u>0%</u>	<u>10%</u>	<u>0%</u>	<u>0%</u>
	<u>Library</u>	<u>0%</u>	<u>100%</u>	<u>10%</u>	<u>0%</u>	<u>0%</u>	<u>25%</u>	<u>0%</u>	<u>0%</u>
	<u>Art gallery/ museum</u>	<u>0%</u>	<u>75%</u>	<u>50%</u>	<u>0%</u>	<u>0%</u>	<u>100%</u>	<u>60%</u>	<u>0%</u>
<u>Class 6. Recreation and Entertainment</u>	<u>Movie theater</u>	<u>0%</u>	<u>10%</u>	<u>50%</u>	<u>75%</u>	<u>0%</u>	<u>50%</u>	<u>80%</u>	<u>100%</u>
	<u>Bowling alley</u>	<u>0%</u>	<u>10%</u>	<u>50%</u>	<u>85%</u>	<u>0%</u>	<u>40%</u>	<u>75%</u>	<u>100%</u>
	<u>Theater, auditorium or arena</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
	<u>Sports club or health spa</u>	<u>50%</u>	<u>25%</u>	<u>100%</u>	<u>10%</u>	<u>10%</u>	<u>50%</u>	<u>10%</u>	<u>5%</u>
<u>Class 7. Food and Beverage</u>	<u>Dessert shop</u>	<u>0%</u>	<u>25%</u>	<u>100%</u>	<u>75%</u>	<u>0%</u>	<u>25%</u>	<u>100%</u>	<u>85%</u>
	<u>Small restaurant</u>	<u>10%</u>	<u>50%</u>	<u>75%</u>	<u>40%</u>	<u>15%</u>	<u>75%</u>	<u>100%</u>	<u>50%</u>
	<u>Restaurant</u>	<u>10%</u>	<u>50%</u>	<u>75%</u>	<u>40%</u>	<u>15%</u>	<u>75%</u>	<u>100%</u>	<u>50%</u>
	<u>Tavern or pub</u>	<u>0%</u>	<u>0%</u>	<u>25%</u>	<u>75%</u>	<u>0%</u>	<u>10%</u>	<u>80%</u>	<u>100%</u>
	<u>Bar, club or lounge</u>	<u>0%</u>	<u>25%</u>	<u>75%</u>	<u>75%</u>	<u>0%</u>	<u>40%</u>	<u>80%</u>	<u>100%</u>
<u>Class 8. Retail Services</u>	<u>All (excluding shopping center)</u>	<u>5%</u>	<u>50%</u>	<u>75%</u>	<u>10%</u>	<u>5%</u>	<u>100%</u>	<u>75%</u>	<u>10%</u>
<u>Class 9. Automobiles</u>	<u>Auto parts and supply store</u>	<u>0%</u>	<u>50%</u>	<u>75%</u>	<u>0%</u>	<u>0%</u>	<u>100%</u>	<u>50%</u>	<u>0%</u>
<u>All others</u>		<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

(c) A theater, auditorium, or arena use may share parking by submitting a parking study with a site plan that details the parking supply and demand of the intended use. The number of shared parking spaces shall be determined by the director after consideration of all relevant factors, including the factors of subsection (d) this section.

(d) Upon written request of the applicant supported by information adequate to make a determination, the director may approve an additional reduction of up to 10 percent of the required number of shared parking spaces after considering all relevant factors, including:

- (1) The unique parking characteristics of each use classification, including employee, customer, and patron parking demand, hours of operation, and projected convenience

and frequency of use of the shared parking.

(2) Whether the use of shared parking spaces will be injurious to public health, safety, and welfare including, but not limited to, whether the additional reduction of shared parking spaces will cause increased traffic congestion, potential harm to adjacent property owners, and spillover parking into surrounding residential neighborhoods; and

(3) The recommendation of the director of the public works and engineering department.

(e) All shared parking spaces must conform to the following criteria:

(1) A shared parking space shall not be reserved for or restricted to a specific use classification. A parking space reserved for a specific use classification shall not be considered a shared parking space;

(2) All shared and reserved parking spaces shall be identified on a site plan;

(3) Each shared parking space shall be clearly identified by signage on each tract and parking facility identifying the location and availability of the shared parking spaces for participating uses;

(4) Each shared parking space must be made available at all times for use by employees, customers, and patrons; and

(5) Shared parking spaces that are located on off-site parking facilities must comply with the provisions of section 26-499 of this Code for each individual use classification.

(f) The director shall not approve a site plan that proposes to use shared parking spaces unless the applicant or responsible party submits a shared parking agreement to the department that takes the form of a memorandum of lease in accordance with section 26-501 of this Code or a reciprocal easement agreement in a form approved by the city attorney.

(g) After the director approves a site plan that uses shared parking spaces, any change in the use classification or parking factor shall require the applicant or responsible party to submit a new site plan to the department for approval and a revised shared parking agreement if necessary. The building official shall not issue a building permit or certificate of occupancy without a site plan approved by the director for the revised shared parking agreement.

Sec. 26-499. Shared parking requirements.

~~—— (a) — Notwithstanding any other parking requirements of this article, when any parcel of land is proposed to be used for two or more of the distinguishable purposes listed below (i.e. mixed use development), the adjustment of the minimum number of parking spaces required to serve the combination of all occupancies shall be determined in accordance with the following formula:~~

~~—— (1) — Determine the minimum amount of parking required for each occupancy as though it~~

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~~were a separate use;~~

~~(2) Multiply each such amount by the corresponding percentage for each applicable time period showing in the following schedule:~~

PARKING CREDIT SCHEDULE

	Weekdays			Weekends	
	Nights- Midnight--6 a.m.	Day 9 a.m.--4 p.m.	Eve. 6 p.m.-- Midnight	Day 9 a.m.--4 p.m.	Eve. 6 p.m.-- Midnight
Uses					
Commercial/Retail	5%	50%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Office/Industrial	5%	100%	10%	10%	5%
Restaurant	10%	50%	100%	50%	100%
Entertainment/ recreation (theatres, bowling alleys)	10%	40%	100%	80%	100%
All others	100%	100%	100%	100%	100%

~~(h) Operation of a use classification without an approved site plan required by this subsection is a violation of this article.~~

~~(3) Calculate the column total for each time period;~~

~~(4) The column total with the highest value is the parking space requirement.~~

~~(b) In determining whether to approve an adjustment for shared parking, the director shall consider all relevant factors, including:~~

~~(1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation.~~

~~(2) Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers or residents of the uses served.~~

~~(3) Potential improvements in parking facility design, circulation and access afforded by a joint parking facility.~~

~~(4) Whether space will be conveniently usable without causing unreasonable:~~

~~a. Hazard to pedestrians.~~

- ~~b. Hazard to vehicular traffic.~~
 - ~~c. Traffic congestion.~~
 - ~~d. Interference with safe and convenient access to other parking areas in the vicinity.~~
 - ~~e. Detriment to any residential neighborhood.~~
- ~~(5) The degree of certainty regarding the continued availability of the shared parking facilities for the uses they are intended to serve.~~
- ~~(6) The report and recommendation of the director and the traffic engineer.~~
- ~~(c) All requirements and conditions herein imposed upon the shared parking facility, including adequate assurance of the continued availability of the shared parking facilities for the uses they are intended to serve, shall be set out in either of the following ways:~~
- ~~(1) Memorandum of lease covering the shared parking facilities restricting the use of said shared parking area for parking purposes only; or~~
 - ~~(2) A reciprocal easement agreement specifically setting forth the areas which will be used exclusively as parking areas.~~

~~Such written agreement shall be in a form and of a substance approved by the city attorney. The applicable instrument shall be delivered by the applicant, with the appropriate recording fees, to the director for recordation in the real property records of the county in which the property is located. This instrument shall serve as notice to all subsequent purchasers of the existence of a shared parking facility and all requirements associated therewith. If the memorandum of lease or reciprocal easement agreement is removed or superseded in any way by the parties or their successors or assigns, substitute off-street parking must be provided in conformance with the requirements of this article. If no alternate parking facilities are provided as required by this article within 90 days of notice from the city that substitute parking is required, the city may revoke the certificate of occupancy for the applicable building or buildings for the use then existing.~~

- ~~(d) Public entrances to a mixed use development shall be no more than 500 feet from the closest entrance to the shared parking facility; provided, however, that parking areas designated for employee parking only may be up to 500 feet from an employee entrance to the structure.~~
- ~~(e) Parking spaces reserved or to be reserved on a twenty-four-hour basis shall be designated on the applicant's site plan. These spaces shall not be included in the calculation of available spaces to meet the minimum parking space requirements of this article for a shared parking facility.~~

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- ~~(f) A residential use shall not be eligible for a shared parking adjustment.~~
- ~~(g) If a shared parking facility is approved, the permittee shall provide signage providing information clearly indicating the availability of this facility for patrons of participating uses.~~
- ~~(h) After a shared parking facility has been approved, any subsequent change, addition or deletion in the original occupancies, or any significant change in intensity of use of such occupancies shall require site plan approval. No certificate of occupancy for the changed occupancies shall be issued without site plan approval for the revised shared parking facility.~~
~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. 26-501. Memorandum of lease.

- ~~(a) A memorandum of lease required by this article shall:~~
- ~~(1) Be in the form prescribed by the director upon approval by the city attorney or his or her designee;~~
 - ~~(2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule;~~
 - ~~(3) Provide that the leased tract will be used solely to satisfy the parking requirements of this article for the term of the lease;~~
 - ~~(4) Have an effective term of at least one year; and~~
 - ~~(5) Be recorded in the real property records of the county in which the tract is located.~~
- ~~(b) In the event that the leased tract becomes unavailable to the use classification whether through termination of the lease or other reason, the applicant or responsible party must immediately notify the department and take steps to obtain and submit for approval substitute parking arrangements that comply with the requirements of this article. The director shall cause the certificate of occupancy of an applicant or responsible party to be revoked after the expiration of the grace period set forth below if the applicant or responsible party is not in compliance with the requirements of this article due to the unavailability of the leased tract in accordance with the following:~~
- ~~(1) If the applicant or responsible party has not made substitute arrangements within a 90 day grace period after the date the leased tract became unavailable, the director shall cause the certificate of occupancy to be revoked for the use and that use shall cease immediately.~~
 - ~~(2) If an applicant or responsible party can demonstrate to the satisfaction of the director that the leased tract became unavailable through no fault of the applicant or responsible party, the grace period to submit substitute arrangements and have them approved shall be 120 days from the date the leased tract became unavailable. If no substitute arrangements are approved within the grace period, the director shall cause the~~

certificate of occupancy to be revoked for the use and that use shall cease immediately.

(3) The director shall grant an additional 120 day extension to the grace period to an applicant or responsible party who can demonstrate the following to the satisfaction of the director:

a. The applicant or responsible party has acted in good faith and made reasonable efforts to obtain substitute parking;

b. The applicant or responsible party will have reasonable opportunity to obtain substitute parking if an extension is granted; and

c. The granting of an extension will not be injurious to the public health, safety, and welfare;

(4) The commission shall grant an additional 90 day extension to the grace period to an applicant who demonstrates to the satisfaction of the commission the criteria of item (3) of this subsection. An application to the commission for the additional 90 day extension must be made before the expiration of the grace period in the form prescribed by the director and accompanied by the non-refundable fee set forth for this provision in the city fee schedule;

(5) Operation of a use classification after the expiration of the grace period without providing for substitute parking arrangements approved by the director is a violation of this article.

(c) An applicant or responsible party must submit an annual certification to the department demonstrating the continued availability of the tract subject to the lease that shall:

(1) Be in the form prescribed by the director;

(2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule; and

(3) Include a current and valid memorandum of lease that complies with the standards of subsection (a) of this section showing that the tract subject to the lease is available for continued use as shown on the most recently approved site plan.

If an applicant or responsible party fails to submit an annual certification to the department, the tract subject to the lease shall be considered to be unavailable for the parking purpose intended by the lease and the applicant or responsible party shall take the steps outlined in subsection (b) of this section.

26-502. Annual certification of valet parking.

(a) An applicant or responsible party that is required by this article to submit an annual certification of valet parking shall submit an annual certification to the department that shall:

- (1) Be in the form prescribed by the director;
- (2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule;
- (3) Include the following documentation:
 - a. Current proof of liability insurance for valet parking services for the use classification for which valet parking is provided; and
 - b. Proof of compliance with the valet parking requirements of this chapter, as applicable; and
 - c. A current contract for valet services for all hours of operation of the use classification for which valet services are provided, or payroll evidence of employees that provide valet parking services for all hours of operation of the use classification; and
- (4) Include other documentation demonstrating the continued operation and availability of the valet parking services for the use classification for which valet parking is provided.

(b) In the event that valet parking services cease to be available for all hours of operation of the use classification whether through termination of a contract for valet parking services or other reason, the applicant or responsible party must immediately notify the department and take steps to obtain and submit for approval substitute parking arrangements that comply with the requirements of this article. The director shall cause the certificate of occupancy of an applicant or responsible party to be revoked after the expiration of the grace period set forth below if the applicant or responsible party is not in compliance with the requirements of this article due to the unavailability of the valet parking services in accordance with the following:

- (1) If the applicant or responsible party has not made substitute arrangements within a 15 day grace period after the date the valet parking services ceased to operate, the director shall cause the certificate of occupancy to be revoked for the use and that use shall cease immediately.
- (2) The director shall grant an additional 15 day extension to the grace period to an applicant or responsible party who can demonstrate the following to the satisfaction of the director:
 - a. The applicant or responsible party has acted in good faith and made reasonable efforts to obtain substitute parking or valet parking services;

b. The applicant or responsible party will have reasonable opportunity to obtain substitute parking or valet parking services if an extension is granted; and

c. The granting of an extension will not be injurious to the public health, safety, and welfare.

(c) If an applicant or responsible party fails to submit an annual certification to the department, the director shall cause the certificate of occupancy for the building or tract for which valet parking services are provided to be revoked.

~~Reserved Secs. 26-503 to 26-50914. Reserved~~

DIVISION 3.

SPECIAL PARKING AREAS

Sec. 26-510. Special parking areas.

The city council may designate special parking areas to accommodate parking needs in certain areas of the city. The department shall maintain a list of current special parking areas, maps and written descriptions of their boundaries, and their approved parking management plans on its website.

Sec. 26-511. Application requirements for designation of a special parking area.

An application for designation of a special parking area may be filed with the department by a management entity that represents the holders of legal interests within the proposed special parking area and has a demonstrated perpetual commitment to the proposed special parking area. The application shall be in the form prescribed by the director and shall include the following:

(a) The non-refundable fee set forth for this provision in the city fee schedule;

(b) A list of the names and addresses of owners of each tract within the proposed special parking area as shown on the current appraisal district records;

(c) A list of the names and addresses of owners of each tract within 500 feet of the boundary of the proposed special parking area as shown on the most current appraisal district records;

(d) One stamped envelope addressed to each property owner indicated on the lists provided in subsections (b) and (c) of this section;

(e) A proposed parking management plan that describes the following:

(1) The current parking requirements for each building and tract as required by this article within the proposed special parking area as well as the anticipated parking requirements of proposed development and redevelopment within the special parking

area;

(2) Existing parking restrictions such as hours of permitted parking and restrictions relating to use;

(3) Existing and proposed public and private parking facilities;

(4) Existing and proposed transit facilities or other alternative modes of transportation, including, but not limited to:

a. Existing and proposed METRO rail stations and fixed-route bus stops;

b. Existing and proposed bikeways and pedestrian trails;

c. Existing and proposed bicycle spaces;

d. Existing and proposed taxi-cab stands;

e. Existing and proposed services for shuttle, trolley, park and ride, jitney, and similar services; and

f. A transit ridership summary that details the extent of usage of the existing transit facilities or modes, the number of vehicles that proposed transit facilities or modes will replace, and other information or evidence that current and future parking facilities will satisfy demand for parking within the boundaries of the proposed special parking area on a permanent basis;

(5) The approximate number of vehicular trips generated by the existing use classifications within the proposed special parking area and the average vehicle occupancy;

(6) An analysis of the parking supply and demand within the proposed special parking area, including peak demand hours;

(7) The approximate number of people employed within the proposed special parking area;

(8) The approximate number of people who reside within the proposed special parking area;

(9) Proposed and existing mitigation measures designed to prevent spillover parking into adjacent properties and residential neighborhoods; and

(10) The proposed shared parking plan, alternative parking regulations, and substituted parking ratios, as applicable, for the special parking area with a justification for each; and

(f) A map illustrating the boundaries of the proposed special parking area and showing the

boundaries of each individual property within the proposed special parking area.

Sec. 26-512. Procedures for designation of a special parking area.

(a) The director shall review each application for completeness. Upon determining that an application is complete, the director shall forward the application to the director of the public works and engineering department for review. The director shall give notice of a public hearing before the commission to:

- (1) Each owner of property within the proposed special parking area and within 500 feet of the boundary of the proposed special parking area as shown on the most current appraisal district records;
- (2) Each neighborhood association with defined boundaries registered with the department in which any portion of the proposed special parking area is located;
- (3) Each district council member in whose district any portion of the proposed special parking area is located;
- (4) The chief of the city police department; and
- (5) The parking official of the city as defined in this chapter.

Notice shall be given by first class mail no later than 15 days before the date of the public hearing, except that notice may be given by electronic mail to the people and entities listed in items (2), (3), (4), and (5) of this section.

(b) The commission shall hold at least one public hearing upon the designation of the area as a special parking area and on the management entity's proposed parking management plan. The director shall submit recommendations to the commission regarding the designation of the special parking area and the proposed parking management plan.

Sec. 26-513. Commission action on an application for designation of a special parking area.

(a) After the close of the public hearing and upon receipt of the director's recommendations pursuant to subsection (b) of section 26-512 of this Code, the commission shall consider the application and recommend the designation of the special parking area and the approval of the parking management plan if the commission finds that the application meets the following criteria:

- (1) The special parking area has a clearly defined boundary;
- (2) The management entity responsible for the special parking area has a demonstrated capacity to manage parking needs and parking facilities, including an understanding of the parking supply and demand within the proposed special parking area;
- (3) The proposed parking management plan will not result in parking deficiencies from

reduced parking standards, incompatible or competing use classifications or inadequate enforcement and regulation;

(4) The proposed parking management plan will mitigate the impact of spillover parking onto adjacent properties and residential neighborhoods; and

(5) The proposed parking management plan will provide reasonable and sufficient access to parking facilities within the special parking area.

(b) The commission may impose any conditions reasonably related to the designation of the special parking area that furthers the intent and purpose of this article.

(c) If the commission is unable to make the findings necessary for the designation of the special parking area and the approval of the parking management plan, the commission shall:

(1) Defer the application to a later commission date; or

(2) Deny the application.

(d) The director shall submit the affirmative recommendation of the commission to city council.

Sec. 26-514. City council action on designation of a special parking area.

The city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (a) of section 26-513 of this Code, shall approve or deny the proposed designation.

Sec. 26-515. EnlargementModification of a special parking area.

A management entity may request that additional tracts be added to or subtracted ~~to~~ from a special parking area at any time by following the application requirements for the designation of a special parking area. The application for enlargingmodifying a special parking area shall be subject to the same procedures and criteria as the original application.

Sec. 26-516. Duties and responsibilities.

(a) It shall be the responsibility of the management entity to implement the provisions of the parking management plan within the special parking area. The management entity shall submit a review of the parking management plan to the commission every two years after the designation of the special parking area. The review of the parking management plan must:

(1) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule; and

(2) Include documentation of any changed circumstances from the information provided to

the commission in the application for designation of the special parking area or from the most recent review of the parking management plan.

(b) If the management entity fails to submit a review of the parking management plan within three years of the designation of the special parking area or the last review of the parking management plan, the provisions of the parking management plan shall not apply within the special parking area, and the building official shall issue a building permit or a certificate of occupancy for buildings or tracts that comply with the provisions of this article without reference to the parking management plan.

Sec. 26-517. Review of parking management plan.

(a) The commission shall hold a public hearing and review the parking management plan submitted by the management entity pursuant to section 26-516 of this Code. After the close of the public hearing, the commission shall:

- (1) Take no action if the commission finds that no changes should be made to the parking management plan; or
- (2) Instruct the management entity to submit for commission review a revised parking management plan by following the application requirements ~~offer commission review that includes any changes or updates to the information required in subsection (e) of section 26-511 of this Code~~ if the commission finds that evidence of changed circumstances within the special parking area may warrant a revision of the parking management plan.

(b) If the commission requires the management entity to submit a revised parking management plan pursuant to item (2) of subsection (a) of this section, ~~the~~ the director shall give notice of a public hearing on the review of the revised parking management plan in accordance with the provisions of section 26-512 of this Code. ~~The commission shall hold a public hearing and review the revised parking management plan submitted by the management entity pursuant to item (2) of subsection (a) of this section.~~ After the close of the public hearing, the commission shall:

- (1) Take no action if the commission finds that no changes should be made to the parking management plan;
- (2) Recommend to city council that the revised parking management plan should be adopted to accommodate any changed circumstances outlined in the commission review of the revised parking management plan; or
- (3) Recommend to city council that the designation of the special parking area should be terminated.

(c) If the parking management plan is revised or the designation of the special parking area is terminated by city council as a result of the procedures outlined in this section, all use classifications that have been permitted on or before the date of council action shall be permitted to

continue to exist except as otherwise provided in this article. All use classifications permitted after that date shall comply with the revised parking management plan or the parking requirements of this article.

Secs. 26-518 to 26-520. Reserved

Sec. 26-500. Parking management areas.

~~— (a) — The city will permit the creation of parking management districts to accommodate parking needs within certain major activity centers within the city in which there is evidence that parking demand is or can be met on a permanent basis through means other than off-street parking as herein provided. Substituted parking ratios may be approved if the requirements of this section are met. Under no circumstances, however, shall substituted parking ratios exceed those ratios set out in section 26-492 of this Code.~~

~~— (b) — Areas may be designated as parking management areas upon the written application of the holder(s) of legal interests within the proposed parking management area. That application shall include the following:~~

~~— (1) — An application fee set by the director to cover administrative expenses of the city related to the creation of a parking management area;~~

~~— (2) — An application form prescribed by the director including the names and addresses of holder(s) of legal interests in the proposed area;~~

~~— (3) — A proposed parking management plan which outlines the following within the proposed area:~~

~~— a. — Existing land uses and any known proposed uses with the gross floor area or useable floor area and the floor area ratio for each such use;~~

~~— b. — Existing and proposed public and private parking facilities;~~

~~— c. — Existing and proposed transit facilities or other alternative mode(s) of transportation which will be implemented; the permanency of such transit facilities, or mode(s); the extent of the program and number of vehicles the transit facilities or mode(s) will replace; and other pertinent information or other evidence that current and future parking demand will be met within the boundaries of the proposed area on a permanent basis;~~

~~— d. — The approximate number of vehicular trips generated by the uses existing within the proposed area and the average vehicle occupancy;~~

~~— e. — Approximate number of people employed within the area and the peak demand hour for parking;~~

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- ~~f. The approximate number of people who reside within the proposed area;~~
 - ~~g. Assurances to the city that spillover parking in unrelated neighborhoods will not occur and a summary of the measures which will be taken to prevent spillover parking; and,~~
 - ~~h. The proposed substituted parking ratios for the area and the bases for those ratios.~~
- ~~(4) A survey illustrating the boundaries of the proposed area.~~
- ~~(c) The commission shall hold at least one public hearing upon the designation of the area as a parking management area and on the contents of the applicant's proposed parking management plan. Within 45 days after the public hearing, the director shall submit his recommendations to the commission regarding the designation of the area and the proposed substituted parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section.~~
- ~~(d) Within 28 days after the staff report, the commission shall adopt a final report and recommendation to city council regarding the designation of the proposed area, setting out appropriate parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section. In addition, if the commission recommends that a parking management area should be created within the proposed area, the commission's final report to city council, at a minimum, must find that:~~
- ~~(1) The area has at least two principal land uses;~~
 - ~~(2) The area has at least 3,500,000 square feet of existing gross floor area and an existing floor area ratio of at least 1.0;~~
 - ~~(3) The area is a compact, contiguous tract bounded primarily by major thoroughfares or other physical features within which tract all points are no more than 1,800 feet from an existing transit facility (as herein defined) which is adequate to serve all existing and proposed uses which are within 1,800 feet from the transit facility as certified by the metropolitan transit authority;~~
 - ~~(4) Parking deficiencies will not result from reduced parking standards, incompatible or competing parking uses or inadequate enforcement and regulation to control temporary changes or maintain exclusive use of the spaces for specified commercial development; and~~
 - ~~(5) If any private sector parking facilities are proposed to be utilized as a basis for substituted parking ratios within a proposed area, the owner or owners of those private sector parking facilities have agreed to the provisions of the city's consent to the~~

~~creation of the area.~~

~~— (e) — Upon its receipt of the commission's report, the city council may act to approve or disapprove the creation of the proposed parking management area by motion, resolution or ordinance.~~

~~— (f) — The city council hereby finds and declares that the South Main/Texas Medical Center as herein defined meets the prerequisites set out in items (1) through (4) of subsection (d) of this section and hereby approves the creation of a parking management area comprised of this area without the necessity of complying with the procedures set out in subsections (a) through (e) of this section. Due to the unique nature of this area, city council designates the interim substituted parking ratio for this area in the form of a minimum parking ratio of 1.2 spaces per 1,000 square feet of GFA. At no time shall the aggregate available parking within this area be less than this ratio. This ratio shall be applicable to this area for up to three years from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in item (3) of subsection (b) of this section. Upon at least 15 days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to the city council that this ratio be revised to reflect the result of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-492 of this Code. Upon the recommendation of the commission, the city council may act to approve or disapprove the revision of this ratio. If no final plan is submitted as required herein, the interim parking ratio established herein shall continue in effect until such time as the final plan is complete and revised parking ratios are established.~~

~~— (g) — The city council hereby finds that the Uptown/Galleria as herein defined meets the prerequisites set out in items (1) through (5) of subsection (d) of this section and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in subsections (a) through (e) of this section. The city council designates the interim parking ratios for this area as follows:~~

~~— (1) — *Offices*-- 2.75 spaces for every 1,000 square feet of usable floor area.~~

~~— (2) — *Shopping centers (all types)*-- 4.0 spaces for every 1,000 square feet of UFA.~~

~~— (3) — *Hotels*-- 1.0 parking spaces for each sleeping room up to 250 rooms plus 0.5 parking spaces for each sleeping room in excess of 250 rooms.~~

~~— (4) — *Other uses*-- See ratios in section 26-492 of this Code.~~

~~The interim parking ratios shall be applicable to this area for a period of up to three years from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in item (3) of subsection (b) of this section. Upon at least 15 days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management~~

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~~plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to city council that this ratio be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in this subsection. Upon the recommendation of the commission, the city council may act to approximate or disapprove the proposed revision of these ratios. If no final plan is submitted as required herein, the interim parking ratios established herein shall continue in effect until such time as the final plan is complete and revised parking ratio are established.~~

~~(h) The city council hereby finds and declares that the Greenway Area as herein defined meets the prerequisites set out in items (1) through (5) of subsection (d) of this section and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in subsections (a) through (e) of this section. The ratios applicable to this area shall be those contained in this article until such time as the director shall prepare a final parking management plan substantially containing the plan elements set out in item (3) of subsection (b) of this section. Upon at least 15 days' notice in a newspaper of general circulation, the commission shall hold a public hearing upon this parking management plan. If the commission finds that this plan indicates that the substitute parking ratios established in this article are not appropriate, the commission may recommend that these ratios be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-492 of this Code. Upon the recommendation of the commission, city council may act to approve or disapprove the proposed revision of these ratios.~~

~~(i) Review of parking management area designation:~~

~~(1) The designation of a parking management area created hereunder may be reviewed upon petition of:~~

~~a. 51 percent of the holders of legal interests within the area; or,~~

~~b. 51 percent of the owners of taxable real property within the area; or,~~

~~c. The owners of taxable real property representing more than 51 percent of the appraised value within an area; or,~~

~~d. Upon motion by the city council or the commission.~~

~~(2) Within 60 days of such a petition or motion, the commission shall re-evaluate the area and, if warranted, may recommend that the city council:~~

~~a. Add or change the parking ratios for the area; or~~

~~b. Terminate the area designation.~~

~~(3) If the parking ratios are altered or designation of an area is terminated by city council as a result of this re-evaluation, all uses which have been permitted on or before that~~

~~expiration date shall be permitted to continue to exist except as otherwise provided in this article. All uses permitted after that date shall comply with the revised parking ratios or parking requirements of this article.~~

~~(j) An applicant may request that additional tracts be added to a parking management area at any time by following the requirements prescribed by the commission for the addition of land to an area.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Secs. 26-501--26-520. Reserved.~~

DIVISION 4.

REQUIREMENTS FOR LOADING FACILITIES~~LOADING FACILITIES REQUIREMENT~~

Sec. 26-521. In general.

No building permit or certificate of occupancy shall be issued for the construction or alteration of a building in the loading facilities category~~categories~~ listed in section 26-522 of this Code unless the building includes the construction of, or provides for, the following number of required~~loading berths required berths~~ for that use as shown in section 26-~~502-522~~ of this Code. {

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. 26-522. Requirements for certain types of occupancies~~loading facilities categories~~.

The construction or alteration of all buildings~~a building~~ for any of the following types of loading facilities categories~~occupancies~~ shall provide the number of on-site loading berths shown below for that type of loading facilities category~~occupancy~~. The individual use classifications or classes of use classifications in the following chart shall correspond to the individual use classifications or classes of use classifications in section 26-492 of this Code:

<u>Loading facilities category</u>	<u>Loading berth requirements</u>
<u>Category 1. Office:</u>	
<u>a. Up to 300,000 square feet of GFA</u>	<u>None</u>
<u>b. 300,000 up to 750,000 square feet of GFA</u>	<u>1.0</u>
<u>c. 750,000 up to and including 1,500,000 square feet of GFA</u>	<u>2.0</u>
<u>d. More than 1,500,000 square feet of GFA</u>	<u>3.0</u>
<u>Category 2. Apartment with more than 50 total dwelling units:</u>	
<u>a. Up to and including 30 dwelling units per acre</u>	<u>None</u>
<u>b. 30 up to and including 50 dwelling units per acre</u>	<u>1.0 (minimum size of 10'x40')</u>
<u>c. More than 50 dwelling units per acre</u>	<u>2.0 (minimum size of 10'x40')</u>
<u>Category 3. Hotel or motel:</u>	
<u>a. Up to 100,000 square feet of GFA</u>	<u>None</u>
<u>b. 100,000 up to 200,000 square feet of GFA</u>	<u>1.0</u>
<u>c. 200,000 up to and including 300,000 square feet of GFA</u>	<u>2.0</u>
<u>d. More than 300,000 square feet of GFA</u>	<u>3.0</u>

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<u>Category 4. Industrial and commercial manufacturing (includes all the use classifications of Class 4 of section 26-492):</u>	
<u>a. Up to 50,000 square feet of GFA</u>	<u>None</u>
<u>b. 50,000 up to 100,000 square feet of GFA</u>	<u>1.0</u>
<u>c. 100,000 up to and including 400,000 square feet of GFA</u>	<u>2.0</u>
<u>d. More than 400,000 square feet of GFA</u>	<u>3.0</u>
<u>Category 5. Food and Beverage (includes all of the use classifications of Class 7 of section 26-492):</u>	
<u>a. Up to 25,000 square feet of GFA</u>	<u>None</u>
<u>b. 25,000 up to and including 50,000 square feet of GFA</u>	<u>1.0</u>
<u>c. Each additional 50,000 square feet of GFA beyond 50,000 square feet of GFA</u>	<u>1.0</u>
<u>Category 6. Retail services (includes all of the use classifications of Class 8 of section 26-492):</u>	
<u>a. Up to 10,000 square feet of GFA</u>	<u>None</u>
<u>b. 10,000 up to and including 60,000 square feet of GFA</u>	<u>1.0</u>
<u>c. Each additional 60,000 square feet of GFA beyond 60,000 square feet of GFA</u>	<u>1.0</u>

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-523. Standards for loading berths ~~constructed at grade.~~

(a) Each loading berth ~~provided hereunder and shall have constructed at grade must be a~~ minimum dimensions of ~~ten-10~~ feet wide and 55 feet long unless otherwise identified in this division.

~~(b) Where a loading berth is to be constructed at grade and adjacent to a major thoroughfare or major collector street, the property owner shall provide an additional 40-foot maneuvering length on-site if one loading berth is required or, if more than one loading berth is required hereunder, one additional 40-foot maneuvering length on-site for each two loading berths. A tract that takes vehicular access from a major thoroughfare or collector street that contains a loading berth must provide sufficient area for maneuverability on the tract for delivery vehicles, large trucks, and other vehicles to access or use the loading berth without blocking any portion of the public right-of-way, as determined by the sole professional judgment of the traffic engineer.~~

~~(c) Loading berths shall not be located within a drive aisle or otherwise block access to parking spaces, bicycle spaces, or other loading berths. A loading berth shall not project into the public right-of-way or a private roadway as the term is defined in chapter 42 of this Code.~~

~~(d) Upon written request of the applicant supported by information adequate to make a determination, the director may reduce required stall-loading berth length-dimensions and maneuvering length-area if the property owner-applicant demonstrates that known-delivery vehicles~~

~~can park and maneuver within the proposed loading and maneuvering spaces—areas and the proposed modification of the site plan complies with the requirements of subsections (b) and (c) of this section. so that no part of a vehicle using or maneuvering into the loading berth will project into a public right-of-way, access easement or private street or otherwise block a drive aisle or parking space.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Sec~~**ss. 26-524--26-540**59. Reserved.

DIVISION 54.

BUILDING PERMITS

Sec. 26-541. Review of building permit.

- ~~(a)——The director shall review building permit applications for the construction or alteration of a building to determine if the proposed building or alteration of a building complies with the following:~~
- ~~(1)——The building permit application identifies the proposed structure and its proposed use.~~
 - ~~(2)——The plans for the building or alteration provides at least the minimum number of parking and loading facilities required by divisions 2 and 3 of this article.~~
 - ~~(3)——When required by this article, the applicant has executed the appropriate documents for an off-site parking facility and presented to the director a certified copy of these documents as recorded in the real property records of the county in which the property is located.~~
 - ~~(4)——Whenever a building or structure includes a drive-in, or drive-through, or drop-off facility, the director has reviewed and approved the configuration of the parking lots and stallsfacilities. The traffic engineer shall also review the site plan and make recommendations to the director regarding these facilities.~~
 - ~~(5)——The director has approved the site plan where a development plat has been filed with the city or he has approved the building permit application for a site for which a subdivision plat has been filed.~~
- ~~(b)——The director shall approve a building permit application which complies with the provisions of this article and all other provisions of the ordinances of the City of Houston.~~
- ~~(bc)——The director shall deny in writing all building permit applications that do not comply with the provisions of this article.~~

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Sec. 26-542. Appeal of denial of building permits.~~

~~Appeals from the denial of a building permit for non-compliance with this article shall be reviewed in the same manner as subdivision plat variances are reviewed under section 42-81 the provisions of Division 6 of this Code article.~~
~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

~~Secs. 26-543--26-560. Reserved.~~

DIVISION 655.

VARIANCES

Sec. 26-560. Appeal of denial.

A denial of a building permit, site plan, or a certificate of occupancy for non-compliance with the provisions of this article may be appealed by requesting a variance in accordance with the provisions of this division.

Sec. 26-561. Variance application procedure.

(a) An applicant ~~for a building permit~~ may make written application to the director department for a variance from the requirements of this article. ~~An completed~~ application for a variance shall include:

- ~~(1) A completed application form supplied by the city in the form prescribed by the director;~~
- ~~(2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule; A non-refundable fee of \$942.00; and or the fee established by city council;~~
- ~~(3) A complete notice in the form set out in Appendix A to Ordinance No. 89-712 to be mailed to all property owners. prescribed by the director;~~
- ~~(3) A list identifying the property owners of each lot or tract within a 500-foot radius of the boundary of the property for which the variance is requested, as shown on the most current appraisal district records; and~~
- ~~(4) One stamped envelope addressed to each property owner indicated on the list provided in item (3) of this subsection.~~

~~(b) This The director shall review the application application package shall be reviewed by the department for completeness. If the director determines that an application is not complete, the application shall be returned to the applicant.~~

- ~~(b) Within seven days of after the date the a completed application is accepted, the~~

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director shall forward a copy of the application to the director of the public works and engineering department~~traffic engineer~~ who shall file his report and make a ~~recommendations~~ regarding the proposed variance with to the secretary of the commission~~director~~. The city shall mail copies of the notices supplied by the applicant to adjacent property owners within a 500-foot radius of the site for which building permit is sought, within ten days of the date on which the variance will be considered by the commission. The city's failure to mail such notice or failure of the property owner(s) to receive such notice shall not invalidate or affect a variance acted upon by the commission.

Sec. 26-562. Notification of application for a variance.

(a) The city~~director~~ shall mail copies of the notices by first class mail in the stamped envelopes supplied by the applicant in section 26-561(a)(4) not less than 10 days before the date on which the commission will first consider the variance to to the adjacent property each property owner on the list supplied by the applicant in section 26-561(a)(3) of this Code~~adjacent property owners within a 500-foot radius of the site for which building permit is sought, within ten days of the date on which the variance will be considered by the commission;~~. The city's failure to mail such notice or failure of the property owner(s) to receive such notice shall not invalidate or affect a variance acted upon by the commission.

(b) The director shall notify each neighborhood association registered with the department in whose area the variance is located by electronic mail or first class mail as soon as reasonably possible before the first meeting at which the commission will consider the application;

(c3) The department shall give notice to each district council member in whose district the variance is located by electronic mail message ach district council member in whose district the variance is located as soon as reasonably possible before the first meeting at which the commission will consider the application; and.

(d) The applicant shall give notice by posting at least one sign on the property that is for which the subject of the variance is sought not less than 10 days before the tenth day before the date of the meeting at which the commission will first consider the application. At least one sign shall face each major thoroughfare or collector street bordering the tract for which the variance is sought. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from and facing the public right-of-way. Each sign shall face and be clearly legible from the public right-of-way. The lettering on the sign shall be legible from the public right of way. The applicant shall use reasonable efforts to maintain each required sign on the tract until the close of the meeting at which the commission acts on the application. The sign shall provide the following information:

(1) The address of the property building or tract that is the subject of the for which the variance request is sought;

(2) The date, time, and place of the meeting at which the commission will next consider the application for variance, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant's variance request is deferred, continued, or

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otherwise postponed by the commission;

(3) The proposed uses classification of the building or property tract listed in section 26-492 of this Code;

(4) If the proposed use classifications of the property building are is a class 6 or class 7 use classification under section 26-492 of this Code, the sign shall indicate the subject tract may contain valet parking.

(5) A telephone number of the applicant to call for additional information; and

(6) A department telephone number of the department to call for additional information.

(3) To each district council member in whose district the variance is located, by letter mailed first class mail, postage paid, or by electronic mail message, as soon as reasonably possible before the first meeting at which the commission will consider the application.

(c) The applicant shall give notice by posting at least one sign on the property that is the subject of the variance before the tenth day before the date of the meeting at which the commission will first consider the application. At least one sign shall face each major thoroughfare or collector street bordering the site. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right of way. The lettering on the sign shall be legible from the public right of way. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the commission acts on the application. The sign shall provide the following information:

(1) The address of the property that is the subject of the variance request;

(2) The date, time, and place of the meeting at which the commission will next consider the application, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant's variance request is deferred, continued, or otherwise postponed by the commission;

(3) The proposed uses of the property listed in Section 26-492 of this Code;

(4) A telephone number of the applicant to call for additional information; and

(5) A department telephone number to call for additional information.

(c) A staff report regarding the variance request shall be provided to the commission prior to the meeting at which the variance shall be considered.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 91-1174, § 1, 8-14-91; Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-562563. Standards and review of ~~for~~ variances.

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(a) The commission is authorized to consider and grant a variances from the provisions of this article ~~by majority vote of those members present and voting, when if~~ the commission determines that ~~the first five of the the granting of a variance satisfies the~~ following ~~conditions~~criteria exist, and if applicable, ~~the sixth condition, exists:~~

~~(1)~~ (1) ~~Either:~~

a. The imposition of the terms, rules, conditions, policies and standards of this article would create an undue hardship by depriving ~~deprive~~ the ~~owner or~~ applicant of the property of reasonable use of the land; or

r ~~building;~~

b. Strict application of the requirements of this article would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question or would create an impractical development or one otherwise contrary to sound policy;

(2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant; ~~and that in granting the variance the general purposes of this article are being observed and maintained;~~

- (3) The intent and general purposes of this article ~~is~~ will be preserved;

(4) The number of proposed parking spaces provided will be sufficient to serve the use for which it is intended;

(5) The granting of such a the variance will not be injurious to the public health, safety or welfare; and

(6) ~~For if the a development building that~~ is subject to the requirements of ~~aa~~Article VII, of ~~eC~~chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to ~~article article~~ article VII, of ~~chapter chapter~~ chapter 33, of this Code.

(b) In addition, if ~~the the building or tract for which the~~ variance is sought proposes to provide parking spaces involves an on an off-site parking facility, the commission ~~must shall~~ consider the following factors ~~determine that a proposed off-site parking facility will be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:~~

(1) ~~The The~~ locations of the proposed use building use classification and the proposed off-site parking facility ~~and the proposed off-site parking facility;~~

(2) ~~E~~E Existing and potential parking demand ~~created by other occupancies in the~~

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vicinity created by other use classifications in vicinity;-

- (3) The characteristics of the use classification~~occupancy~~, including employee~~and~~, customer, and patron parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking facility;-
- (4) Adequacy, convenience, and safety of pedestrian access between off-site parking facilities and the tract where the use classification is located~~occupancy;-~~
- (5) Traffic patterns on adjacent streets, and proposed access to the off-site parking; and-
- (6) The ~~report and~~ recommendation of ~~the director and~~ the traffic engineer.

Sec. 26-564. Commission consideration and action.

The commission shall consider and act on an application for a variance pursuant to this division. Upon consideration of an application, the commission shall:

- (1) Grant the variance, with or without conditions, if the commission finds the application satisfies the criteria of section 26-563 of this Code;
- (2) Deny the variance request if the commission is unable to make the findings necessary for the approval of a variance pursuant to section 26-563 of this Code; or
- (3) Defer the variance to a later commission date.

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 95-228, §§ 8-10, 3-1-95; Ord. No. 03-159, § 4, 2-12-03; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. 26-~~563~~565. Applicability of variance.

Any variance granted under the provisions of this ~~section~~division will apply only to the specific ~~property building or tract~~ and use classification upon which the commission was requested to grant ~~a the~~ variance ~~by the applicant~~ and shall not constitute a change of any part of this article ~~or any part hereof~~. All variances as granted shall be in ~~writing~~writing shall be signed by the secretary of the commission and maintained as a permanent record of the commission.

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Secs. 26-~~564~~566--26-580. Reserved.

DIVISION 766.

CONSTRUCTION, AND MAINTENANCE, AND DESIGN

Sec. 26-581. Construction standardss for parking and loading facilities.

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All parking and loading facilities ~~to be constructed hereunder~~ shall be constructed in accordance with ~~applicable provisions of the~~ Construction Building Construction Code, ~~except as otherwise provided for in this article~~. In addition, ~~the following basic standards for paving and drainage shall be observe parking and loading facilities shall be:~~

- (1) ~~Parking and loading facilities shall be s~~Surfaced and maintained with asphaltic, concrete, or all-weather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material. Materials may be pervious; ~~and:~~
- (2) ~~All parking and loading facilities shall be g~~Graded and provided ~~with~~ permanent storm drainage facilities that meet the construction specifications set by the city engineer. Surfacing, curbing and drainage improvements shall be sufficient to ~~preclude prevent~~ free flow of water onto adjacent properties ~~or,~~ public streets or alleys and to provide adequate drainage.

~~(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 93-514, § 39, 5-5-93; Ord. No. 02-399, § 57, 5-15-02; Ord. No. 07-464, § 7(Exh. B), 4-11-07)~~

Sec. 26-582. Safety Design and maintenance standards for parking and loading facilities.

(a) All parking and loading facilities ~~provided hereunder~~ shall ~~meet the following be safety designed standardsto:~~

- (1) ~~Include S~~safety barriers, protective bumpers or curbing, and directional markers ~~have beensufficient to~~ provided ~~to assure~~ safety, efficient utilization, protection to landscaping and bicycle spaces, and to prevent encroachment onto adjoining public or private property; ~~and:~~
- (2) ~~Ensure M~~motorist visibility of pedestrians, bicyclists, and other vehicles ~~shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking~~ or loading facility; ~~and:~~
- (3) ~~Provide for I~~internal circulation patterns ~~and, and~~ the location and traffic direction of all ~~access drivesdrive aisles,~~ shall be ~~designed and maintained~~ in accordance with accepted principles of traffic engineering and traffic safety.

(b) All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

Sec. 26-583. Design standards for bicycle spaces and bicycle racks.

(a) A bicycle space required by this article shall:

- (1) Be located on the same tract as the building or tract they are being provided for, except

when an application for an encroachment permit has been approved by the director of the public works and engineering department of the city or his or her designee to locate the bicycle spaces within the public right-of-way; and

- (2) Not obstruct access to parking spaces or pedestrian walkways such as sidewalks and ramps; and
- (b) Each bicycle space required by this article shall contain a bicycle rack that is:
 - (1) Constructed of durable materials that can withstand permanent exposure to the elements and vandalism such as powdered-coated metal or stainless steel;
 - (2) Designed to permit the locking of the bicycle frame by a standard size “U lock” containing locking points between one foot and three feet from the ground, provide a gap for pedal clearance, and allow for the locking of at least one wheel to the bicycle rack;
 - (3) Designed to accommodate the typical range of bicycle sizes;
 - (4) Securely anchored to the ground or building;
 - (5) Spaced with sufficient clearance from other bicycle racks to allow access to the bicycle spaces; and
 - (6) Properly maintained by the applicant or responsible party.

Sec. 26-584. Alternate design standards for parking facilities used for valet parking.

(a) For a freestanding class 7 use classification under section 26-492 of this Code, parking facilities intended to be used solely for valet parking purposes may be designed in a way that does not conform to the requirements of the Construction Code for the layout of parking spaces and drive aisles if a valet parking plan is submitted along with a site plan pursuant to section 26-473, which complies with the following standards:

- (1) The valet parking plan is submitted with the written consent of the property owner of the tract for which valet parking is proposed;
- (2) The layout and dimensions of the parking spaces and drive aisles provide for sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks;
- (3) If the valet parking plan provides for an on-site drop-off for vehicles using the valet parking services, the drop-off shall comply with the site plan review requirements of subsection (d) of section 26-474 of this Code;
- (4) The valet parking plan will mitigate the impact of spillover parking onto adjacent

properties and residential neighborhoods; and

- (5) If a valet parking plan includes parking spaces that are required by this article, valet parking services must be provided for those parking spaces during all operating hours of the use classification.

(b) The director shall review the valet parking plan along with the site plan and shall approve a valet parking plan that complies with the standards of subsection (a) of this section. No valet parking services may be provided pursuant to subsection (a) of this section unless the director approves the site plan along with the valet parking plan.

(c) An applicant or responsible party that provides valet parking services pursuant to a valet parking plan approved by the director shall submit an annual certification of valet parking in accordance with section 26-502 of this Code.

Sec. 26-585. Design standards for parking facilities for compact cars.

A maximum of 35 percent of the parking spaces required by this article may be designed and reserved for small or compact cars in accordance with the dimensions specified in the Construction Code. No designated spaces for compact cars shall be permitted in any building or tract designed to be used for residential purposes or in parking facilities with less than 40 parking spaces. Compact parking spaces shall be identified by appropriate signage or markings within the compact parking space.

Sec. 26-586. Parking lifts.

(a) A parking lift shall not be permitted within a parking facility except as follows:

(1) The parking lift is within the boundaries of a special parking area approved by city council pursuant to division 3 of this article, and the management entity has provided for the operation and maintenance of the parking lifts in the most recently approved parking management plan; or

(2) The parking lift is inside of a multi-story parking garage and the applicant or responsible party for the garage has provided for, in the sole professional judgment of the director:

a. The appropriate screening for any neighboring single-family residential use; and

b. The appropriate operation and maintenance of the parking lift.

(b) A parking lift that is permitted in accordance with subsection (a) of this section shall conform to the following standards:

(1) The parking lift shall not be permitted to be installed above or within a parking space, bicycle space, or loading berth required by this article; and

- (2) The parking lift must be regularly maintained and operated by a trained operator when appropriate;
- (3) The parking lift shall not be permitted to be installed in an area that obstructs access to a parking space, bicycle space or loading berth required by this article.

Sec. 26-587. Accessible parking.

Accessible parking spaces for vehicles operated by or for persons with disabilities shall be provided in accordance with state and federal standards. When only one parking space is required under this article, accessible parking requirements shall be in addition to the one parking space so required.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-~~583~~588--26-600. Reserved.