

-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 for such buildings or tracts. It is the intent that the provision for parking and loading be provided at all times while these buildings or tracts are occupied or otherwise in use, and that no building or tract may be permitted to be used or occupied without provision for the facilities as required by 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 new buildings; ~~and~~

(2) ~~To the~~The alteration of existing structures or tracts where the alteration results in an increase in:

a. The gross floor area of a building;

or

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

c. The unit of measurement used for calculating the required number of parking spaces and loading berths;:

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~~ A change of use in a strip or neighborhood shopping center 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 a class 6 or 7

~~occupancies~~use classification.

(c) 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 apply, provided, however, that requirements to provide off-street parking in chapter 42 of this Code shall be considered to be in addition to the requirements of this article, except as provided in section 26-476 of this article.

~~(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.

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

Apartment~~house~~ means any building, or portion thereof, which is designed, built, rented, leased, let out or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other, and shall include flats ~~and apartments~~, and shall include a condominium created under chapter 81 or 82 of the Texas Property Code.

Applicant means a property owner or his 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, memorandum of lease, designation of a parking management district, 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 which includes a large area dedicated to seating for spectators.

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 and/or private gatherings.

Auto parts and supply store means a building containing a facility 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 motor vehicles.

Auto sales dealer means a building containing a facility 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 containing a facility for the cutting of hair, providing facial and manicure treatments and 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 that a person may ride and that is propelled by human power and 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 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.

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 ~~or CBD~~ means the area included and bounded by Buffalo Bayou, Chartress Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street, and Heiner Street as projected and extended to Sabine Street. 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 Building Code.

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, 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.

College or university means a building containing the facilities for an institution of higher learning beyond the level of secondary schools.

Commission 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.

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

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

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

Driving range (golf) means an area containing facilities to hit or impel a ball forcibly as practiced in the game of golf.

Dwelling unit means a single, integral structure, or a portion of a building structure, that provides complete, has 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 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 an establishment engaged in 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 the retail sale and display of furniture and appliances.

Golf course means a geographically defined 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.

~~*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 containing facilities licensed by the State of Texas to provide medical care of the sick or injured.

Hotel or *motel* means any building containing 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.

Industrial facility means a building containing facilities for the commercial production

and sale of goods and services.

Library means a building or buildings that contain 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 vehicle licensed as a truck by the State of Texas.

Loading berth means a 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 classification means the use of a building, structure, or tract identified in section 26-522 of this Code.

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.

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, 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 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 facilities means a building or group of buildings within an area primarily designed to contain space in individual compartments available to the general public for rent or lease for storage.

Miniature golf means a simplified version of golf played on a miniature course.

Movie theater means a building containing facilities for showing motion pictures to an

audience or audiences.

Museum means a building or buildings that contain facilities for the loan or display of books, objects of art and science.

Nursery school or day care center means a building that contains facilities related to the care and education of children primarily under 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~~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.~~

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

Office means a building 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 not been covered 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 facilities for picnicking.

~~*Parking facility* means a parking lot, parking garage, loading berth, or other collection of parking spaces or bicycle spaces used for the purpose of storing parked vehicles.~~

~~*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 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~~

may have alternative parking requirements.

Parking space means an identified marked area wholly within private property which is allweather surfaced and which complies with the requirements of this article.

Permit means a building permit or ~~an occupancy a~~ certificate of occupancy 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 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 includes, but is not limited to, a restriction on the use of certain property for parking purposes and designates the building or ~~buildings tract~~ which shall be entitled to the exclusive use of the designated parking areas.

Restaurant means a coffee shop, cafeteria, luncheonette, ~~tavern,~~ sandwich stand, soda fountain, and any other eating establishment, organization, or club, including veterans' club which 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 is generally designed 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, drugs, cards, stationery, notions, books, 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 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.

Retirement community (with kitchen facilities) means a building or series of buildings containing two or more individual dwelling units with 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.

Retirement community (without kitchen facilities) 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 an establishment designed primarily for use as a roller skating or ice skating area with 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 for the 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 classifications 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 building or buildings encompassing a total building area from ~~25,001~~ 000 to 100,000 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 (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 building or buildings encompassing a total building area ~~from 0 to up to~~ 25,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

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~~*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.~~

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- ~~(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 graphic representation of the arrangement of buildings, parking, driveways and other improvements within a given tract of land that is prepared and approved pursuant to section 26-473 of this Code.

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

Sports club/health spa means a building equipped with facilities to promote and encourage physical exercise, development and relaxation.

Sports complex means a facility or area containing baseball, softball, football and soccer fields and related uses.

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

Supermarket means a building containing a self-service retail food and household goods store, including but not limited to, convenience stores.

Swimming club means a building or area the primary use of which is aquatic sports or recreation.

Tavern or Pub means a freestanding bar, club or lounge within the urban area that is less than 2,000 square feet of GFA including the building, outdoor decks, patios and seating areas.

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/racquet club means a building equipped 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 area containing 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; (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 facility 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 is used to accommodate the arrival and departure of passengers by aircraft, motor bus or railroad train.

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."~~

Urban area shall mean the area included within and bounded by Interstate Highway 610.

Use classification means the use of a building, structure, or tract identified in section 26-492 of this Code.

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

Veterinary clinic means a building, the principal use of which is for the examination and treatment of animals.

Warehouse means a building in which 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 requirements for off-street parking and loading; penalty for article violations.

(a) All persons to which this article applies 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 must conform to the following standards:

- (1) The site plan must be to scale, contain the north arrow, and contain bearings and dimensions of the subject tract;
- (2) The site plan must contain a parking calculation table;
- (3) The site plan must show:

- a. Existing and proposed trees and shrubs required by the landscaping requirements of chapter 33 of this Code;
 - b. Building setback lines;
 - c. Proposed building or tract alterations;
 - d. The location of above-ground existing and planned physical features such as utility poles, dumpsters, and bollards;
 - e. The dimensions, square footage of GFA and UFA, as applicable, of existing and proposed buildings, structures or improvements;
 - f. Existing conditions within the pedestrian walkway such as sidewalks, utility poles, and intersection crossings;
 - g. The dimensions and design of parking spaces, bicycle spaces, bicycle racks, loading berths, drive aisles, and landscaping islands;
 - h. Proposed amenities for extending the distance of off-site parking in accordance with this article, as applicable; and
 - i. The location of proposed off-site parking and the distance to the subject building or tract, as applicable; and
 - j. The boundaries of the subject tract; and
- (4) 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.;

(ba) 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.

(cb) No building permit shall be issued by the building official for the construction or alteration of a building or tract 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, 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.

~~(de)~~ 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 or alteration of 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 parking and loading facilities required for the new ~~type of occupancy or use~~ classification 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.

~~(e)~~ No site plan shall be approved and no building permit or certificate of occupancy shall be issued until all supporting documentation has been produced including evidence of required licenses, title reports, deed restrictions, surveys, and other required documentation. 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.

~~(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:

~~(1)~~ the ~~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 or a increase in the unit of measurement used to calculate the required number of parking spaces, bicycle spaces and loading berths.

~~(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~~

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~~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.~~

~~Sec. (e) 26-4745. 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. ~~26-4744~~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 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 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.

~~_____ (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 26-4767. Central Bbusiness Ddistrict.**~~

~~_____ (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 within 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. The parking requirements of chapter 42 of this Code shall not apply to the central business district as defined in this article.~~

~~**Secs. 26-4778--26-490. Reserved.**~~

-DIVISION 2.

REQUIREMENTS FOR PARKING SPACES AND BICYCLE SPACES

Sec. 26-491. In general.

No building permit or certificate of occupancy shall be issued for the construction 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. Such facilities shall be on the same site tract as the use those facilities are intended to serve except as otherwise provided for in this article.

(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, the construction of a building or tract for any of the following types of occupancies use classifications shall provide the requisite number of off-street parking spaces and bicycle spaces, or the incremental 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 Use Classification</u>	Parking Spaces
Class 1. Office:	
a. Office	2.5 spaces for every 1,000 square feet of GFA or 2.75 for every 1,000 square feet of UFA
b. Financial facility	4.0 spaces for every 1,000 square feet of GFA (see also section 26-541(a)(4))
Class 2. Residential:	
a. Apartment house	1.250 spaces for each efficiency <u>apartment dwelling unit</u>

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	1.333 spaces for each one-bedroom <u>apartment dwelling unit</u>
	1.666 spaces for each two-bedroom <u>apartment dwelling unit</u>
	2.0 spaces for each <u>apartment dwelling unit</u> with 3 or more bedrooms
b. Single-family residential <u>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
<u>dc.</u> Special residential uses	0.3 parking space per sleeping room, plus 1.0 parking space per employee on largest shift
<u>ed.</u> Retirement community (with kitchen facilities)	0.75 space 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>
<u>fe.</u> Retirement community (without kitchen facilities)	1.0 space for every 6 beds, plus 1.0 space per employee on largest shift
<u>gf.</u> Hotel or motel	1.0 parking space for each sleeping room up to 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 spaces for each bed <u>proposed to be constructed</u>

b. Psychiatric hospital	1.0 space for each 4 beds proposed to be constructed and 1.0 space for every 4 employees
c. Clinic (medical complex)	2.7 spaces for every 1,000 square feet of GFA
d. Clinic (medical or dental)	3.5 spaces for every 1,000 square feet of GFA
e. Nursing home	1.0 space for every 3 beds proposed to be constructed and 1.0 space for every 4 employees
f. Funeral home or mortuary	0.5 spaces for every chapel seat
g. Veterinary clinics	5.0 spaces for every 1,000 square feet of UFA
Class 4. Industrial, Commercial Manufacturing:	
a. Multi-tenant (or multi-building project):	
1. At grade (no docks)	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
2. Semi-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
3. Full-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
b. Bulk warehouse	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
c. Heavy manufacturing and industrial	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 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 spaces per 1,000 square feet of GFA of office space; and 1.0 space per 1,500 square feet of GFA of assembly space
e. Transportation terminal	6.5 spaces per 1,000 square feet of GFA of waiting area
f. Truck terminal	1.0 spaces per 2,000 square feet of GFA
g. Mini-warehouse facilities	1.0 spaces for every <u>4050</u> storage units or bays
Class 5. Religious and Educational:	
a. Church	1.0 space for every 5 fixed seats in auditorium or sanctuary or, if there are no fixed seats, 1.0 space for every 40 square feet of GFA in the main auditorium or sanctuary
b. Nursery school or day care center	1.0 space for every employee on duty during the largest shift, plus 1.0 space for every 5 children in attendance when the facility is operating at maximum capacity or, if drop-off, <u>drive-in, or drive through</u> 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
c. School (public, denominational or private):	
1. Elementary school	1.5 spaces per thirty-person classroom <u>1.0 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 space per every 7 occupants</u>
3. Senior high school	9.5 spaces per thirty-person classroom <u>1.0 space per every 3 occupants</u>

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

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n. Driving range (golf)	1.0 space for each tee
o. Arcade or game room	1.0 space for every 200 square feet of GFA <u>5.0 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 spaces for every 1,000 square feet of GFA</u>
<u>b. Dessert shop</u>	<u>6.0 spaces for every 1,000 square feet of GFA</u>
<u>c. Restaurant (in the urban area, freestanding up to 2,000 square feet of GFA including outdoor decks, patio, and seating areas)</u>	<u>8.0 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 <u>10.0</u> 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 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 <u>14.0</u> 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 spaces for every 1,000 square feet of GFA
b. Clothing store	4.0 spaces for every 1,000 square feet of GFA
e.b. Furniture store	2.0 spaces for every 1,000 square feet of GFA
dc. Retail store (freestanding)	4.0 spaces for every 1,000 square feet of GFA
ed. Building materials or home improvement store	4.0 spaces for every 1,000 square feet of GFA of retail sales area
fe. Barber or beauty shop (free standing)	3.0 spaces for each operator chair and 1.0 space for each employee <u>8.0 spaces for every 1,000 square feet of GFA</u>

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<u>gf.</u> Shopping center (strip) (up to 25,000 square feet of GFA)	4.0 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 GFA¹, plus the increment required by 26-492.1(a)
<u>hg.</u> Shopping center (neighborhood)(25,000 1 --100,000 square feet of GFA)	4.0 spaces per 1,000 square feet of GFA, plus the increment ² <u>required by 26-492.1(b)</u>
i. Shopping center (community) (100,001--399,999)	4.0 spaces for every 1,000 square feet of GFA
<u>jh.</u> Shopping center (regional) (400,000--1,000,000 <u>over 100,000 square feet of GFA</u>)	5 <u>4</u> .0 spaces for every 1,000 square feet of GFA
k. Shopping center (super regional) (over 1,000,000 GFA)	4.0 spaces for every 1,000 square feet of GFA
l. Discount store	4.0 spaces for every 1,000 square feet of GFA
Class 9. Automobiles:	
a. Auto sales dealer	5.5 spaces for every 1,000 square feet of GFA
b. Auto repair establishment	5.0 spaces for every 1,000 square feet of GFA
c. Car wash (automated)	2.5 spaces for each bay or stall for stacking space
d. Car wash (all other)	1.0 space per <u>bay or</u> stall
e. Service station	3.0 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 spaces for every 1,000 square feet of GFA of retail sales area.

¹ ~~If 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.~~

² ~~If 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. 26-492.1. Shopping cCenters with certain use classifications.

(a) If more than 20 percent of a shopping center (strip) is used or to be used as class 6 or 7 use classifications 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. 26-492.2. Bicycle spaces for certain use classifications within the urban area.

(a) For all use classifications under classes 1, 6, 7, 8, and 9 in Section 26-492 of this Code, within the urban area, one bicycle parking space will be required for uses between 5,000 square feet of GFA and 25,000 square feet of GFA. An additional bicycle parking space will be required for each 25,000 square GFA in excess of the first 25,000 square feet. No more than six bicycle parking spaces shall be required by this section.

(b) Bicycle spaces shall conform to the following standards, and shall:

(1) Not obstruct access to parking spaces or pedestrian walkways such as sidewalks and ramps; and

(2) Be Located on the same tract as the building or tract they are being provided for, except when an encroachment permit has been approved by the director of the Public Works and Engineering Department to locate the bicycle spaces within the public right-of-way.

(c) All bicycle spaces shall contain a bicycle rack which shall conform to the following standards, and shall be:

(1) Constructed of durable materials to withstand permanent exposure to the elements and vandalism such as powdered-coated metal or stainless steel;

(2) Designed to permit the locking of the frame containing locking points between one foot and three feet from the ground and a gap for pedal clearance and allow for the locking of at least one wheel with a standard size "U lock"

(3) Designed to accommodate the typical range of bicycle sizes;

- (4) Securely anchored to the ground or building using a concrete footing and tamper-proof spike anchors;
- (5) Spaced with sufficient clearance from other bicycle racks to allow access to the bicycle spaces; and
- (6) Properly maintained by the holder of the certificate of occupancy;

Sec. 26-492.3. Reduced parking space requirement for additional bicycle spaces within the urban area.

(a) Within the urban area, an applicant who provides bicycle spaces in addition to the number of bicycle spaces required by section 26-492.2 of this Code shall receive a reduction in the number of parking spaces required by section 26-492 of this Code.

(b) The reduction in the number of parking spaces under this section shall be one parking space for every four additional bicycle spaces provided.

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

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

(e) All additional bicycle spaces shall conform to the standards of section 26-492.2 of this Code.

Sec. 26-492.4. Reduced parking space requirement for historic structures.

For structures designated as a protected landmark, or a contributing structure within a historic district pursuant to 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 property owners that performed any exterior alteration or rehabilitation of the structure without obtaining a certificate of appropriateness pursuant to 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 and bicycle 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.

(a) If the parking space requirements of this article result in a fractional requirement, and that fraction is 0.5 or greater, the ~~property owner~~ applicant or holder of a certificate of occupancy 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 or holder of certificate of occupancy 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. 26-495. Use of parking space.

All required parking facilities shall be available for employee and public 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 or tract designed to be used for residential purposes or in parking ~~lots of facilities with~~ less than 40 parking spaces. Compact parking spaces shall be identified by appropriate directions and marking.

Sec. 26-498. Parking lifts.

(a) Parking lifts are permitted within the city in accordance with this section, and shall conform to the following standards:

- (1) Parking lifts shall not be used to satisfy the parking requirements of this article except as provided in subsection (b) of this section;
- (2) Parking lifts must be regularly maintained and operated by a trained operator when appropriate;
- (3) Parking lifts shall not be permitted to be built above or within a parking space, bicycle space, or loading berth required by this article; and
- (4) Parking lifts shall not be permitted to be built in an area that obstructs access to a parking space, bicycle space or loading berth required by this article.

(b) A parking lift may only be used to satisfy the parking requirements of this article if any of the following conditions are satisfied:

- (1) The parking lift is within the boundaries of a parking management district approved by city council pursuant to section 26-515 of this Code, and the management entity has provided for the operation and maintenance of the parking lifts in its most recent parking management plan; or
- (2) The parking lift is inside of a multi-story parking garage and the holder of the certificate of occupancy has provided for, in the sole professional judgment of the director:
 - a. The appropriate screening for neighboring single-family residential use; and

b. The operation and maintenance of the parking lifts.

Sec. 26-499. Changes in use classification for grandfathered uses.

For buildings, structures, 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:

(a) The number of parking spaces provided at the time of the most recently approved permits or certificate of occupancy is maintained;

(b) The change in use classification of the building or tract results in a lower overall parking requirement than what is required by the current use on the building or tract;

(c) The change in use classification is not to a class 7 use classification under 26-492 of this Code except that the change may be to a restaurant with take-out or drive-through only;

(d) Any construction of new buildings shall provide for the off-street parking facilities required by this article for the new construction; and

(e) Any alteration of existing buildings on the subject tract that results in an increase in GFA or UFA shall provide for the parking facilities required by this article for the increase in GFA or UFA. (Ord. No. 89-712, § 2, 5-17-89; Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-500. Off-site parking.

(a) Parking spaces required by this division may be provided on an off-site parking facility if the following conditions are met:

(1) All required parking spaces are located within parking facilities, whether on-site or off-site, that are not farther than 250 feet from the subject tract except as provided for in item (2) of this subsection;

(2) Not more than 25% of the required parking may be provided for on off-site parking facilities that are located more than 250 feet from the subject tract if the facilities are not located farther than:

a. 500 feet from the subject tract;

b. 800 feet from the subject tract within the urban area if the buildings or structures for which the off-site parking is being provided contain less than 30,000 square feet of GFA; or

c. 1000 feet from the subject tract within the urban area if:

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

(ii) The director determines in his sole professional judgment that sufficient pedestrian amenities mitigate the impact of the extended distance.

(3) The off-site parking spaces used to satisfy the parking requirement of this division 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 subject tract 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 the holder of the certificate of occupancy, the holder of the certificate of occupancy shall provide to the department a memorandum of lease that complies with the requirements of section 26-502 of this chapter.

(d) Different requirements for off-site parking facilities may be provided for within a parking management district in accordance with division 3 of 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 boundary entrance of the structure containing the parking facility and a principal property boundary entrance 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. 26-501499. Shared parking requirements.

~~(a) Two or more use classifications within one or more tracts that are not used for single-family residential purposes may share parking spaces to achieve a reduction in the overall parking space requirement in accordance with this section to satisfy the parking space requirements of this article.~~

~~(b) The adjustment of the minimum number of parking spaces required to satisfy the parking requirements of this article shall be determined in accordance with the following formula:~~

~~(1) Determine the minimum number of parking spaces required by section 26-492 of this chapter for each use classification as though it were a separate use;~~

~~(2) Multiply each such number by the corresponding percentage for each applicable time~~

period shown in the table found in subsection (g) of this section;

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

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

(c) The director may approve an additional reduction of up to ten percent of the total number of required shared parking spaces after considering all relevant factors, including;

(1) The unique parking characteristics of the use classification, including employee and customer 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.

(d) Shared parking spaces must conform to the following criteria:

(1) Shared parking spaces shall not be reserved for or restricted to a specific use classification. Parking spaces 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 the site plan;

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

(4) Shared parking spaces must be made available at all times for employee and public use; and

(5) Shared parking spaces that are located off-site must comply with the provisions of section 26-502 of this chapter for each individual use classification.

(e) No site plan that proposes to use shared parking spaces shall be approved unless a shared parking agreement is submitted to the department that takes the form of a memorandum of lease in accordance with section 26-502 of this chapter or a reciprocal easement agreement in a form approved by the city attorney.

(f) After a site plan that uses shared parking spaces is approved, any increase in the GFA or UFA, change in use classification, or increase in the unit of measurement used to calculate the

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required number of parking spaces shall require site plan approval and a revised shared parking agreement. No certificate of occupancy for the alteration shall be issued without site plan approval for the revised shared parking agreement.

(g) The following table shall be used to calculate the shared parking space requirement:

<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 clinics</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>Religious institution</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>Class 6. Recreation and Entertainment</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>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/ 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>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>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>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>

(h) 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 (c) this section.

(i) This section may not be used to reduce the number of required bicycle spaces.

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 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

	<u>Weekdays</u>			<u>Weekends</u>	
	<u>Nights- Midnight—6 a.m.</u>	<u>Day 9 a.m.—4 p.m.</u>	<u>Eve. 6 p.m.— Midnight</u>	<u>Day 9 a.m.—4 p.m.</u>	<u>Eve. 6 p.m.— Midnight</u>
<u>Uses</u>					
<u>Commercial/R etail</u>	5%	50%	90%	100%	70%
<u>Hotel</u>	80%	80%	100%	80%	100%
<u>Office/Industria l</u>	5%	100%	10%	10%	5%
<u>Restaurant</u>	10%	50%	100%	50%	100%
<u>Entertainment/ recreation- (theatres, bowling alleys)</u>	10%	40%	100%	80%	100%
<u>All others</u>	100%	100%	100%	100%	100%

~~(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.~~

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~~_____ (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.~~

~~_____ (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. 26-502. Memorandum of lease.

_____ (a) A memorandum of lease required by this article shall conform to the following standards, and shall:

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

(2) Be accompanied by a fee approved by city council;

(3) Provide that the tract subject to the lease 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 tract subject to the lease becomes unavailable for the parking use intended by the lease whether through termination of the lease or other reason, the holder of a certificate of occupancy must immediately notify the department and take steps to obtain substitute approved parking which will comply with the requirements of this article.

(1) If no such acceptable arrangements are made within 90 days of the date the tract subject to the lease became unavailable, the director may revoke the certificate of occupancy for the use and that use shall cease immediately.

(2) If a holder of a certificate of occupancy can demonstrate to the satisfaction of the director that the tract subject to the lease became unavailable through no fault of the holder of the certificate of occupancy, that holder shall have up to 120 days from the date the tract subject to the lease became unavailable to make such acceptable arrangements. If no such acceptable arrangements are made, the director may revoke the certificate of occupancy for the use and that use shall cease immediately.

(c) A holder of a certificate of occupancy must submit an annual certification to the department demonstrating the continued availability of the tract subject to the lease that shall conform to the following standards, and shall:

(1) Be in the form provided by the department;

(2) Be accompanied by a fee approved by city council;

(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 a holder 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 holder of the certificate of occupancy shall take the steps outlined in subsection (b) of this section.

Reserved Secs. 26-503 to 26-514. Reserved

DIVISION 3.

PARKING MANAGEMENT DISTRICTS

Sec. 26-515. Parking management districts.

The city may permit the creation of parking management districts to accommodate parking needs within certain areas within the city in which there is evidence that parking demand is or can be met on a permanent basis through means other than the requirements of this article.

Sec. 26-516. Application requirements for designation of a parking management district.

Areas may be designated as parking management districts upon the written application of a management entity with a perpetual commitment to the proposed area that represents the holders of legal interests within the proposed parking management district. That application shall be in the form prescribed by the director and shall include the following:

(a) A nonrefundable application fee approved by city council; and

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- (b) A list of all names and addresses of property owners of lots and tracts within the proposed district as shown on the current appraisal district records; and
- (c) A list identifying the names and addresses of property owners of lots and tracts within 500 feet of the proposed district boundary, as shown on the most current appraisal district records;
- (d) A proposed parking management plan which outlines the following within the proposed area:
 - (1) The GFA, UFA, and unit of measurement used to calculate parking required by this article of existing and proposed use classifications of lots and tracts within the proposed district;
 - (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 which will be implemented; 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 which details the extent of usage of the existing transit facilities or modes; the extent of the program and number of vehicles the proposed transit facilities or modes 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.
- (5) The approximate number of vehicular trips generated by the uses existing within the proposed area and the average vehicle occupancy;
- (6) An analysis of the parking supply and demand within the proposed area;

- (7) Approximate number of people employed within the area and the peak demand hours for parking;
 - (8) The approximate number of people who reside within the proposed area;
 - (9) Mitigation measures designed to prevent spillover parking into adjacent properties and residential neighborhoods such as residential permit parking; and
 - (10) The proposed shared parking plan, alternative parking regulations, and substituted parking ratios, as applicable, for the area and the bases for those ratios; and
- (e) A map illustrating the boundaries of the proposed district including all properties to be included in the parking management district.

Sec. 26-517. Procedures for designation of a parking management district.

(a) Once a complete application is accepted by the department, the director shall forward the application to the director of the Public Works and Engineering Department for review. The director shall cause notice to be given of a public hearing before the commission to:

- (1) Each owner of property within the district and within 500 feet of the boundary of the area proposed to be included in a parking management district as shown on the most current appraisal district records;
- (2) Each neighborhood association registered with defined boundaries with the department in whose area the proposed parking management district is located;
- (3) Each district council member in whose district the proposed management district is located; and
- (4) The chief of the Houston Police Department.

Notice shall be given by United States mail no later than 15 days before the date of the public hearing, except that notice may be given by electronic mail to the district council member, and the Houston Police Department.

(b) The commission shall hold at least one public hearing upon the designation of the area as a parking management district and on the contents of the management entity's proposed parking management plan. The director shall submit recommendations to the commission regarding the designation of the area and the shared parking plan, alternative parking regulations, and substituted parking ratios, as applicable.

(c) Upon receipt of the director's recommendations, the commission shall adopt a final report and recommendation to city council regarding the designation of the proposed area, setting out appropriate shared parking plan, alternative parking regulations, and substituted parking ratios, as

applicable, and imposing such additional conditions reasonably related to the designation of the area and that furthers the intent and purpose of this chapter, if the commission finds that the application meets the following criteria:

- (1) The area has a clearly defined boundary;
 - (2) The management entity responsible for the parking management district has a demonstrated capacity to manage parking needs and parking facilities, including an understanding of the parking supply and demand within the proposed district;
 - (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 parking management district.
- (d) If the commission does not vote to recommend the designation of the proposed area, the action of the commission with respect to the application will be final.
- (e) Upon its receipt of the commission's report, the city council shall act to approve or disapprove the creation of the proposed parking management district by motion, resolution or ordinance.
- (f) An applicant may request that additional tracts be added to a parking management district at any time by following the application requirements and procedures for the designation of a parking management district.

Sec. 26-518. Duties and responsibilities.

- (a) It shall be the responsibility of the management entity to implement the provisions of the parking management plan within the parking management district.
- (b) It shall be the responsibility of the management entity to submit a review of the parking management plan to the commission every two years after the designation of the parking management district. The review of the parking management plan must include documentation of any changed circumstances from the information provided to the commission in the application for designation of the parking management district or from the most recent review of the parking management plan.
- (c) If the management entity fails to submit a review of the parking management plan within three years of the designation of the district or the last review of the parking management plan, the

provisions of the parking management plan shall not apply to buildings, structures, or tracts within the parking management district, in which case a building permit or a certificate of occupancy shall only be issued for buildings, structures, or tracts that comply with the provisions of this article excepting the parking management plan.

Sec. 26-519. Commission consideration and action.

Upon consideration of the review of parking management plan submitted to the commission pursuant to section 26-518 of this Code, the commission shall either:

(a) Take no action if the commission finds that no changes should be made to the parking management plan; or

(b) Instruct the management entity to submit a comprehensive review within a time period specified by the commission that includes the information required in section 26-516 for an application for designation of a parking management district. After notice and a public hearing of the comprehensive review in accordance with the procedural requirements of this division, the commission may recommend to city council that:

(1) The shared parking plan, alternative parking regulations, or substituted parking ratios of the parking management district should be modified to accommodate the changed circumstances outlined in the comprehensive review; or

(2) The designation of the parking management district be terminated.

If the shared parking plan, alternative parking regulations, or substituted parking ratios are altered or the designation of the district is terminated by city council as a result of the procedures outlined in this section, all uses which 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 uses permitted after that date shall comply with the revised parking ratios or parking requirements of this article.

Sec. 26-520.1. Designation of the South Main/Texas Medical Center Parking Management District.

(a) The minimum parking ratio for all use classifications within the South Main/Texas Medical Center Parking Management District is 1.2 spaces per 1,000 square feet of GFA.

(b) The boundary of the the South Main/Texas Medical Center Parking Management District shall be 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 Almeda 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."

Sec. 26-520.2. Designation of the Uptown/Galleria Parking Management District.

(a) Tracts within the Uptown/Galleria Parking Management District shall comply with the requirements of this article except that minimum parking ratio for the following use classifications shall be:

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

(2) *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.

(b) The boundary of the Uptown/Galleria Parking Management District shall be 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."

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;~~

~~_____ 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~~

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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~~

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~~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 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~~

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~~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.

LOADING FACILITIES REQUIREMENT

Sec. 26-521. In general.

No building permit shall be issued for the construction or alteration of a building in the loading facilities classification categories listed in section 26-522 of this Code unless the building includes the construction of, or provides for, the following required loading 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 classifications.

The construction or alteration of all buildings for any of the following types of loading facilities classification ~~occupancies~~ shall provide the number of loading berths shown below for that type of loading facilities classification ~~occupancy~~.

<u>Classification-Loading facilities classification</u>	Loading birth <u>berth</u> requirements
Class 1. Office:	
a. Up to 300,000 square feet of GFA	None
b. 300,001 to 750,000 square feet of GFA	1.0
c. 750,001 to 1,500,000 square feet of GFA	2.0
d. Over 1,500,000 square feet of GFA	3.0
Class 2. Residential--apartment:	
a. Up to 35 dwelling units per acre or less than 3 stories which ever is less represents less dwelling units	None
b. More than 35 but less than 50 dwelling units per acre or 3 or more stories, whichever represents less dwelling units	1.0 <u>(minimum of 10'x40')</u>
c. More than 50 dwelling units per acre or 5 or more stories, whichever represents less dwelling units	2.0 <u>(only one space may be a minimum of 10'x40')</u>
Class 3. Residential--hotel and motel:	
a. Up to 100,000 square feet of GFA	None
b. 100,001 square feet to 200,000 square feet of GFA	1.0

c. 200,001 square feet to 300,000 square feet of GFA	2.0
d. Over 300,001 square feet of GFA	3.0
Class 4. Retail services:	
a. Up to 10,000 square feet of GFA	None
b. 10,000 square feet to 60,000 square feet of GFA	1.0
c. Each additional 60,000 square feet or part thereof of GFA	1.0
Class 5. Industrial, commercial and manufacturing:	
a. Up to 50,000 square feet of GFA	None
b. 50,001 to 100,000 square feet of GFA	1.0
c. 100,001 to 400,000 square feet of GFA	2.0
d. Over 400,001 square feet of GFA	3.0
Class 6. Restaurants, bars, clubs and lounges:	
a. 25,000 square feet to 50,000 square feet of GFA	1.0
b. Each additional 50,000 square feet of GFA	1.0

~~(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 constructed at grade must be a minimum of ten feet wide and 55 feet long unless otherwise identified in this division. Where a loading berth is to be constructed at grade and adjacent to a major thoroughfare or major collector street, the property owner-applicant or holder of certificate of occupancy 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.

(b) Loading berths may not be located within a drive aisle or otherwise block access to parking spaces, bicycle spaces, or other loading berths. Loading berths may not project into the public or private street or access easement.

(bc) The director may reduce required stall-berth length and maneuvering length if the property owner-applicant or holder of the certificate of occupancy demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces 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. 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 or tract to determine if the proposed building or alteration of a building or tract 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 or holder of certificate of occupancy 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 stalls~~facilities. 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 tract 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.~~

(be) 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 65.

VARIANCES

Sec. 26-561. Variance procedure.

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

(1) Completed application ~~form supplied by the city~~ in the form prescribed by the department;

(2) 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 all owners of lots or tracts within a 500-foot radius of the boundary of the property that is subject of the variance, as shown on the most current approval district records; and~~

~~(4) One stamped envelope addressed to each landowner indicated on the list provided in item (3) of this subsection.~~

~~This~~ The application ~~package~~ shall be reviewed by the department.

~~(b) Within seven days of the date the completed application is accepted, the 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 recommendations regarding the proposed variance with the secretary of the commission. ~~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.~~~~

~~(b)~~ The city department shall mail copies of the notices in the stamped envelopes supplied by the applicant ~~to to the adjacent property;~~

~~(1) adjacent property o~~ wners of lots or tracts, by letter mailed first class, postage paid, within a 500-foot radius of the site boundary of the property for which building permit is sought ~~that is subject of the variance,~~ within not less than ten days before of the date on which the variance will first 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; ~~;~~

(2) Each neighborhood association registered with defined boundaries with the department in whose area 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; and

(3) Each district council member in whose district the variance is located 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 subject tract. 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. 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 subject 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 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) If the proposed uses of the property are 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 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. 26-562. Standards for variances.

(a) The commission is authorized to consider and grant variances with or without conditions, from the provisions of this article by majority vote of those members present and voting, when the commission determines that the first five of the following conditions 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 and maintained;
- (4) The parking provided will be sufficient to serve the use for which it is intended;
- (5) The granting of such a variance will not be injurious to the public health, safety or welfare; and
- (6) For a development that is subject to the requirements of ~~a~~Article VII, of eChapter 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 VII, of chapter Chapter 33, of this Code.

(b) In addition, if the variance involves an off-site parking facility, the commission must 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 location of the proposed building use and the proposed off-site parking facility.
- (2) Existing and potential parking demand created by other uses occupancies in the vicinity.
- (3) The characteristics of the use classification occupancy, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking.
- (4) Adequacy, convenience, and safety of pedestrian access between off-site parking facilities and the subject tract occupancy.
- (5) Traffic patterns on adjacent streets, and proposed access to the off-site parking.
- (6) The report and recommendation of the director and the traffic engineer.

~~(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. Applicability of variance.

Any variance granted under the provisions of this ~~section~~division will apply only to the specific property and use upon which the commission was requested to grant a variance by the applicant and shall not constitute a change of this article or any part hereof. All variances as granted shall be in writing, writing and 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--26-580. Reserved.

~~DIVISION 76.~~

CONSTRUCTION AND MAINTENANCE

Sec. 26-581. Construction standard for parking facilities.

All parking facilities to be constructed hereunder shall be constructed in accordance with applicable provisions of the Construction-Building Code. In addition, the following basic standards for paving and drainage shall be observed:

- (1) Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or allweather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material. Materials may be pervious.
- (2) All parking and loading facilities shall be 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 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 standards for parking facilities.

(a) All parking and loading facilities provided hereunder shall meet the following safety standards:

- (1) Safety barriers, protective bumpers or curbing, and directional markers have been provided to assure safety, efficient utilization, protection to landscaping and bicycle spaces, and to prevent encroachment onto adjoining public or private property.
- (2) 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 facility.
- (3) Internal circulation patterns, and the location and traffic direction of all access drives, 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

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which they are required or intended.

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

Secs. 26-583--26-600. Reserved.