

## **Summary of Proposed Chapter 26 (Article VIII) Amendments**

January 15, 2013

### **Redevelopment of Grandfathered Uses:**

This amendment will allow buildings with grandfathered status under Chapter 26 to redevelop into a use that has a lesser parking requirement without the requirement of providing additional parking, provided the following:

- There is no reduction in the number of existing off-street parking spaces; and
- A use may not redevelop into a Tavern or Pub, Restaurant, Small Restaurant, or Dessert Shop without providing enough parking to satisfy ordinance requirements.

### **Discrepancy between Codes:**

This amendment will eliminate the discrepancies between Chapters 26 and 42 of the Code of Ordinances.

Key Points to the amendment are:

- Chapter 26 requires two parking spaces for each single-family dwelling unit, with no exceptions; whereas Chapter 42 requires two parking spaces per dwelling unit except when the secondary dwelling unit is not more than 900 square feet. In those instances, only one additional parking space is required for the second unit. This exception allows reduced parking requirements for a garage apartment or small guest house. As a result, Chapter 26 requirements will be amended to match Chapter 42.
- The Central Business District – as defined by Chapter 26 – is exempt from providing off-street parking due to the availability of significant public transit and public parking. However, Chapter 42 requires parking for all single-family and multi-family development regardless of location. As a result, Chapter 42 requirements will be amended to match Chapter 26.
- Expand the Chapter 26 Central Business District on the north side to be consistent with northern boundary found in Chapter 42.
- Change the “Reconstruction after Casualty” rules of Chapter 26 to match Chapter 42.

### **Hostels:**

There is currently no separate classification for a hostel under Chapter 26; instead, hostels are required to provide the same number of parking spaces as the “Hotel or Motel” classification. This amendment would amend the definition of “Special Residential Uses” to include a “Hostel”. The resulting parking requirement would be 0.3 parking spaces per sleeping room, plus 1.0 parking space per employee on the largest shift.

### **Mini-Warehouse Facility:**

This amendment would reduce the parking requirements from 1 space per every 40 storage units to 1 space per every 50 storage units.

### **Schools (Elementary, Junior High, High School):**

The parking requirement for a school (public, denominational or private) is currently based on the number of classrooms, with the assumption that each classroom would be designed for 30 students. This regulation was written prior to the change in state law that altered the student-teacher ratio.

Key Points to the amendment are:

- Parking will be calculated by the number of occupants based upon the utility capacity reservation letter issued by the Department of Public Works & Engineering.
- Off-street parking will be determined by the following ratio requirements:
  - Elementary School                      1 space per 12 occupants
  - Junior High School                      1 space per 7 occupants
  - High School                              1 space per 3 occupants

**Billiard Hall:**

This amendment would remove the use classification of “Billiard Hall”. As a result, required parking would be determined under use classifications within Class 6 (Recreation and Entertainment) or Class 7 (Food and Beverage), as applicable.

**Definition of a Bar, Club or Lounge:**

The definition has created confusion for citizens, applicants, and staff because of differences between the requirements found in Chapter 26 and the state law governing the Texas Alcoholic Beverage Commission (TABC). At the heart of the discrepancy is the use of 75-percent of gross sales for alcohol as a threshold for determining whether or not an establishment is a Bar, Club or Lounge under Chapter 26. TABC standards and subsequent local licenses use 50-percent as the distinguishing limit. This amendment will change the definition threshold in the parking ordinance to match the TABC standards of 50-percent.

**Food and Beverage Classifications:**

This amendment will increase the number of use classifications under the Food and Beverage category from two to six to account for establishments with unique parking demands. The new added use classifications are:

- Bar, Club or Lounge [14 spaces per 1,000 SF GFA]
  - Increase from current requirement of 10 spaces per 1,000 SF GFA.
- **(New)** Tavern or Pub [10 spaces per 1,000 SF GFA]
  - A freestanding “bar, club or lounge” that is less than 2,000 SF GFA.
- Restaurant [10 spaces per 1,000 SF GFA]
  - Increase from current requirement of 8 spaces per 1,000 SF GFA.
- **(New)** Small Restaurant [8 spaces per 1,000 SF GFA]
  - A freestanding “restaurant” that is less than 2,000 SF GFA.
- **(New)** Dessert Shop [6 spaces per 1,000 SF GFA]
  - 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.
- **(New)** Restaurant (Take-Out or Drive-Through Only) [4 spaces per 1,000 SF GFA]
  - A restaurant that does not provide seating for on-premises consumption of food or beverages.

**Barber or Beauty Shop:**

The current parking requirement is based on the number of operator chairs and employees. These criteria are difficult to implement and any addition to the number of operator chairs or employees would not require a site plan review; thereby providing no permit triggering mechanism to provide additional parking. This amendment would require parking to be calculated based on the gross square footage of the building with a requirement of 8 spaces per 1,000 SF GFA.

**Shopping Centers:**

This amendment will change the parking requirement for a regional shopping center from 5 spaces per every 1,000 SF GFA to 4 spaces per every 1,000 SF GFA. The basis of the current requirement was developed at a time when little was known about the parking demand for this size shopping center. In addition, this amendment will condense the community, regional and super regional shopping centers into one use classification since the parking requirements will be the same.

**Shared Parking Requirements:**

This amendment allows for the expansion of the number of uses eligible to participate in shared parking standards, as well as expands the number of time periods for the typical weekday and weekend used within the calculation.

Key Points to the amendment are:

- Properties opting into shared parking standards must make parking available to all uses at all times and include appropriate signage.
- The director has the discretion to waive up to 10-percent of the total number of parking spaces upon review of a detailed parking study.
- A “Theater, Auditorium or Area” use classification will be eligible to share parking after the director reviews a detailed parking study and established the appropriate parking percentages for the proposed uses.

**Parking Lease Agreements:**

The City has been challenged with the tracking and monitoring of agreements that currently have no standard length of time required by ordinance. Under certain conditions if such agreement expires, the ordinance allows the director to revoke the Certificate of Occupancy (CO). However, the process involved is tedious and often requires a lot of manpower to implement. This amendment will establish 1 year as the minimum time period for a parking lease agreement and require an annual certification to verify the leased parking is still available.

**Off-Site Parking:**

This amendment would increase the maximum distance to off-site parking to 800 feet, as measured from property boundary to property boundary along a clearly delineated pedestrian path. Upon determining that there are sufficient pedestrian amenities, the Director can increase the distance to 1,000 feet. A freestanding Food or Beverage use can have a lot used for valet parking purposes only up to 1,000 feet away, provided it complies with the annual certification process of a valet parking plan.

**Special Parking Areas:**

The current eligibility criteria for establish a “Parking Management Area” is limiting, and was written for large areas like Uptown and the Texas Medical Center. This amendment would change the term “Parking Management Area” to “Special Parking Area” and allow City Council to establish smaller areas that would benefit from different parking requirements than what is otherwise required by the ordinance.

Key Points to this amendment are:

- Establishes the framework criteria related to who may apply for the designation, functions and responsibilities, application submittal requirements, the review process and potential impact analysis, approval criteria and applicably, district expansion, and reporting process (once every two years).

- Remove Greenway Plaza from the ordinance as a designated special parking area.

**Parking for Historic Buildings:**

This amendment would allow a designated protected landmark or contributing structure within a historic district that receives an approved Certificate of Appropriateness a 40-percent reduction in the total number of parking spaces required by the ordinance.

**Parking Variance Notification:**

This amendment would require a minimum of one 4' x 8' notification sign to be posted on a property requesting a parking variance. In addition, the proposal will codify the current Planning Department practice of sending notification to Super Neighborhoods and registered Home Owners Associations/Civics clubs, as well as the District Council Member.

**Type of Occupancy:**

The term “type of occupancy” or “occupancy” confuses the public and employees to think in terms of occupancies in the Building Code. The two are not the same and, as a result, a change in the occupancy under the Off-Street Parking Ordinance may not be a change in occupancy in the Building Code. This confusion has resulted in projects not being reviewed for parking requirements when the ordinance would require one. This amendment will change the term within the Off-Street Parking Ordinance to “type of use” or “use classification”.

**Intensity of Use:**

The term “Intensity of Use” was left within the current ordinance in two separate sections following the 1996 ordinance amendment. This amendment would remove this term from the ordinance.

**Mechanical Parking Lifts:**

This amendment would clarify that mechanical lifts may be allowed for surplus parking; however, they cannot be used to meet the parking requirements unless:

- The lifts are within a designated Special Parking Area that has the ability to operate and maintain the lifts; or
- At the discretion of the director, the lifts are placed within a multi-story parking garage.

**Bicycle Parking:**

Members of the public identified this issue to address health, safety, and welfare concerns when no bicycle parking is provided and riders instead use city signage, utility poles, trees, private fences, etc. as an improvised bicycle rack. This amendment will provide safe and secure bicycle parking that discourages bicycle theft while encouraging use of cycling as a means of alternate transportation.

Key Points to this amendment are:

- One bicycle parking space will be required for every 25,000 SF GFA for commercial, retail, or office uses.
- Buildings less than 5,000 SF GFA will not be required to provide bicycle parking.
- The maximum number of spaces required would not exceed six.
- Allows for a maximum 10% reduction in the number of parking spaces when additional bicycle parking is provided for a use. The reduction will be one parking space for every four additional bicycle spaces.

**Tents/Temporary Structures:**

The utilization of tents or temporary structures by bars and restaurants increases the area of service without providing for additional parking. In some cases, these are being installed over existing required parking spaces, compounding the problem. This amendment would prohibit businesses from blocking access to ordinance required parking and using the space for anything other than the temporary parking of vehicles.

**Loading Berth Requirement:**

This amendment would change the dimension requirements of the loading berths for apartment developments. An apartment development over 30 dwelling units per acre is required 1 – 10'x40' loading berth. Developments over 50 dwelling units per acre are required an additional loading berth that is 10'x40'. In addition, this amendment would require properties within the Central Business District to provide a loading berth, as applicable.

**Valet Parking Plan**

This amendment would allow a freestanding Food or Beverage use to design a “valet only” parking lot in a way that does not conform to the typical standards for the layout of parking spaces and drive aisles found in the Construction Code if a valet parking plan is filed. The valet parking plan must show how the layout of the proposed parking will function and identify how it will mitigate the impact of spillover parking onto adjacent properties and residential neighborhoods. Valet parking must be provided at all times during the operation of the business and an annual certification of the valet parking plan is required.

**For more information, please contact:**

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