

CHAPTER 26, ARTICLE VIII – PUBLIC COMMENT DRAFT

NOT YET APPROVED BY THE CITY ATTORNEY

08.19.2016

Summary of Amendments:

The City of Houston is proposing amendments to Article VIII of Chapter 26 of the Code of Ordinances related to **Off-Street Parking and Loading**. The intent of the changes is to correct a typo, clarify bike rack standards, and allow for reasonable administrative flexibility within the rules similar to the flexibility already found in other sections of the existing ordinance.

Public comments on the changes will be accepted until **Sunday, September 18th**. Please submit comments or questions to Brian Crimmins with the Planning & Development Department at brian.crimmins@houstontx.gov. A public hearing on the amendments will be held by the Planning Commission on Thursday, September 29, 2016. For more information, please visit www.houstonplanning.com.

Proposed Amendments:

Amend the definition of “Neighborhood restaurant” within **Sec. 26-472** in DIVISION 1. – IN GENERAL to read as follows:

Neighborhood restaurant means a restaurant that does not have a drive-through facility and that is greater in size than 3,000 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas, but less than or equal to 4,500 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas. If a neighborhood restaurant increases in size to greater than ~~3,000~~ 4,500 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a neighborhood restaurant.

Amend **Sec. 26-583** in DIVISION 6. – CONSTRUCTION, MAINTENANCE, AND DESIGN to read as follows:

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

- (a) A bicycle space required by this article shall:
 - (1) Be located on the same tract as the building or tract it is being provided for, except when an application for an encroachment permit has been approved by the director of the public works and engineering department of the city or his or her designee to locate the bicycle spaces within the public right-of-way adjacent to the tract; and
 - (2) Not obstruct access to parking spaces, other bicycle spaces, loading berths, or pedestrian walkways such as sidewalks and ramps;
- (b) Each bicycle space required by this article shall contain a bicycle rack that is:
 - (1) Constructed of durable materials that can withstand permanent exposure to the elements and vandalism such as powdered-coated metal or stainless steel;

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- (2) Designed to permit the locking of the bicycle frame and ~~the front wheel to the bicycle rack~~ by a standard size "U lock" containing locking points between one foot and three feet from the ground, ~~and provide a gap for pedal clearance, and allow for the locking of at least one wheel to the bicycle rack;~~
- (3) Designed to accommodate the typical range of bicycle sizes;
- (4) Securely anchored to the ground or building;
- (5) Spaced with sufficient clearance from other bicycle racks to allow access to the bicycle spaces; and
- (6) Properly maintained by the applicant or responsible party.

(c) ~~The director shall develop and maintain a list of typical bicycle rack styles that meet and do not meet the requirements of subsection (b) of this section and make the list available to the public. Non-typical bicycle rack styles that are not identified on the list but meet the requirements of subsection (b) of this section as determined by the director shall not be prohibited from being used to satisfy the requirements of this article.~~

Add a new **Sec. 26-504** in DIVISION 2. – REQUIREMENTS FOR PARKING SPACES AND BICYCLE SPACES to read as follows:

Sec. 26-504. Administrative modification of parking requirement.

(a) ~~The director is authorized to approve the following modifications to the requirements of this article for an application that meets the requirements of this section:~~

- (1) ~~A reduction of up to five parking spaces; and~~
- (2) ~~An increase of up to 150 feet in the maximum distance for an off-site parking facility provided for in section 26-499 of this Code.~~

(b) ~~To qualify for an administrative modification under this section, the applicant shall file an application in the form prescribed by the director and shall be accompanied by the non-refundable fee set forth for this provision in the city fee schedule. The application shall be accompanied by documentation regarding the actual and anticipated demand for parking spaces, including evidence or data in available planning and technical studies relating to the proposed use or unique parking characteristics of the building or tract.~~

(c) ~~The director shall review documentation submitted by the applicant, and consider the recommendation of the director of the public works and engineering department, and shall inform the applicant in writing within 30 business days from the most recent submittal of documentation by the applicant of whether a modification is granted under this section.~~

(d) ~~The director shall approve a modification under this section only if the director finds:~~

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- (1) The documentation supplied by the applicant sufficiently supports the granting of a modification;
- (2) The modification will not cause substantial harm or spillover parking into adjacent properties or single-family residential neighborhoods;
- (3) The modification will not be injurious to public health, safety, and welfare; and
- (4) The modification is consistent with the intent and general purposes of this article.