

Proposed Changes to Chapter 144, Zoning

Sec. 144-2.2. - Zoning board of adjustment (ZBA).

2.2-4. *Special exceptions.*

- ~~(b) Off-site parking. The ZBA may grant a special exception to requiring that all required parking must be on the same lot or parcel as the structures they are intended to serve if it finds all of the following:~~
- ~~(1) The applicant has submitted an access plan which shows that the off-site parking spaces area is reasonably and safely accessible by the public by foot;~~
 - ~~(2) The nearest edge of the first parking space of the off-site parking area is no further than 400 feet from the lot or parcel of the premise using the off-site parking;~~
 - ~~(3) The off-site parking spaces are not shared with any other off premise use and are not required parking for any other premise;~~
 - ~~(4) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking, unless a variance is granted by the ZBA;~~
 - ~~(5) An off-site parking agreement between the off-site parking property owner and the property owner of the premise using the off-site parking, on a form approved by the city attorney, is approved by the board. The term of the agreement shall be no less than ten years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the premise using the off-site parking shall acknowledge that the premise is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be done away with unless by written agreement from the city, is replaced with on-site parking to code, or is replaced with another off-site parking agreement.
— If the ZBA approves the off-site parking agreement, the city shall cause such agreement to be recorded in the appropriate county deed records.
— If any of the above conditions or other conditions of the special exception approved by the ZBA are not followed, the special exception shall become void; and~~
 - ~~(6) Directional signage shall be provided as follows:~~
 - ~~(a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking for the establishment using the off-site parking.~~
 - ~~(b) In the on-site parking area of the establishment using the off-site parking, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.~~

5.1. *Parking, Loading, Stacking and Vehicular Circulation.*

5.1-1. *General provisions:*

- (c) *Location.* The off-street parking facilities required for the uses mentioned in this regulation and for other similar uses shall be on the same lot or parcel of land as the structures they are intended to serve, unless ~~a special exception is granted by the Zoning Board of Adjustment (ZBA)~~ an off-site parking application is approved, in accordance with this Chapter.

- (g) *Shared parking.*

- (3) Shared parking must be on the same parking lot, unless ~~a special exception to on-site parking is granted~~ an off-site parking application is approved.

- (i) Off-site parking. As a means of satisfying off-street parking requirements, off-site parking shall be permitted with the approval of an application for off-site parking. Off-site parking is subject to the following:

- (1) The applicant has submitted an application for off-site parking that includes an access plan demonstrating that access to the off-site parking is reasonably and safely accessible by the public by foot;
- (2) The nearest edge of the closest parking space of the off-site parking is no further than 800 feet from the lot or parcel of the premise using the off-site parking (subject property);
- (3) The maximum number of required parking spaces that may be permitted off-site shall be forty (40) percent of the total required spaces of all uses of the subject property.
- (4) The off-site parking spaces are not shared with any other off-premise use and are not required parking for any other premise, unless a variance is approved by the Zoning Board of Adjustment in accordance with this chapter;
- (5) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking;
- (6) An off-site parking agreement between the off-site parking area property owner and the property owner of the subject property on a form approved by the City Attorney. The term of the agreement shall be no less than 10 years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the subject property shall acknowledge that the property is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be cancelled unless by written agreement from the city, is replaced with on-site parking in accordance with code, or is replaced with another off-site parking agreement, and;

(7) Directional signage shall be provided as follows:

(a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking is allowed for the establishment using the off-site parking.

(b) In the on-site parking area of the subject property, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.

(8) Consideration of Application. The Planning and Community Development Department shall approve or deny any completed application based on the above criteria and any additional information deemed necessary for a thorough review. Any application that is missing information will be considered incomplete and will not be processed. If approved, the off-site parking agreement shall be recorded in the appropriate county deed records and a copy shall be provided to the Planning and Community Development Department. If denied, the applicant may appeal to the Zoning Board of Adjustment in accordance with this chapter.

~~(i)~~ Valet parking.