

**Burlington Planning Commission
Ordinance Committee**

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Burlington Planning Commission

Ordinance Committee

Meeting Notice

Thursday, January 7, 2016 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Animal Boarding/Kennel/Shelter in Downtown zones
2. Off-site parking. Continued discussion per 12/3/15 PC meeting.

Next Meeting – February 4, 2016

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Department of Planning and Zoning

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Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: January 7, 2016
RE: Animal Boarding/Kennel/Shelter in Downtown zones

Megan Stearns has requested that the Comprehensive Development Ordinance (CDO) be amended to allow for animal boarding/kennel/shelter use in the city's downtown zones. This use is already defined within the CDO, but it is presently not allowed in the downtown zones. Following an initial discussion with the Planning Commission on October 6, 2015 and favorable consideration by the Planning Commission Ordinance Committee on December 3, 2015, the following ordinance language is proposed in support of the request. The requested animal boarding/kennel/shelter use would be allowed as a conditional use in the downtown mixed use zones, subject to certain criteria aimed at lessening the potential for offsite impacts. New language is shown in red, and deleted language is ~~crossed out~~.

Proposed CDO Language:

Appendix A – Use Table – All Zoning Districts [excerpt]

	D	DW	DW-PT	DT	BST
Animal Boarding/Kennel/Shelter	N <u>CU</u>	N <u>CU</u>	N	N <u>CU</u>	N <u>CU</u>

Footnotes

1-26 as written.

27. Must be fully enclosed within a building and is subject to licensure by the City Council.

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TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: December 3, 2015
RE: Off-Site Parking Amendment to CDO

The purpose of this amendment is to clarify the existing zoning provisions for off-site parking. Following discussion by the Planning Commission on November 10, the proposed amendment language has been modified to eliminate changes to maximum parking limitations. New language referring to the design review standards of Article 6 (i.e. for screening) has been inserted.

Review of offsite parking standards in other jurisdictions reveals one consistent theme: that the offsite parking be within a certain distance of the entity using the parking. The CDO standards as presently written contains such provision. Other themes include means of convenient pedestrian connection between the two sites, prohibiting commercial use of parking in residential zones, and some sort of agreement between the parties allowing for the parking arrangement.

On September 9, 2015, the Planning Commission Ordinance Committee forwarded this amendment to the full Commission without consensus. Differences of opinion centered on the provision to modify the maximum parking limitation so as to not restrict the number of spaces on the property providing the parking spaces for offsite use(s). That provision has been deleted from the revised amendment language below.

The Planning Commission considered this amendment at the request of the Ordinance Committee. The Commission supported the concept and recommended strengthening the upper limit on parking spaces and also providing language aimed at screening and landscaping. As noted above, the provision loosening the restrictions on maximum parking spaces has been deleted. New language has been added referencing the relevant design review standards of Article 6 for screening, landscaping, and location of parking. So as to avoid over complication and creation of de facto design standards outside of Article 6, new landscaping and screening requirements specific to off-site parking are not proposed.

Proposed CDO Language:

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zone as the use it serves or is in a zone that allows parking lots or parking garages as primary uses. Parking that serves any use located outside a residential zone shall not be located within a residential zone. Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required parking shall be provided at a distance greater than 600 feet from the use it is intended to serve. For residential uses, a minimum of 1 space per unit shall be provided on-site.
2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.
3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board. The right to use the off-site parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement, or similar written instrument as may be approved by the City Attorney.

(b) Downtown Street Level Setback:

As written.

(c) Front Yard Parking Restricted:

As written.

(d) Shared Parking in Neighborhood Parking Districts:

As written.

(e) Single Story Structures in Shared Use Districts:

As written.

(f) Joint Use of Facilities:

As written.

(g) Availability of Facilities:

As written.

(h) Compact Car Parking:

As written.

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

A-O, As written.

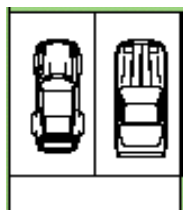
Park: Any area designated by the City as a park pursuant to Section 22-1 of the Code of Ordinances of the City of Burlington, Vermont.

Parking Garage/Structure: A structure containing parking facilities, below or above grade.

Parking, Surface/Lot: Parking facilities that are at grade and uncovered or not within a structure.

Parking, Stacked: The parking of more than two (2) cars in a parallel line, one behind the other.

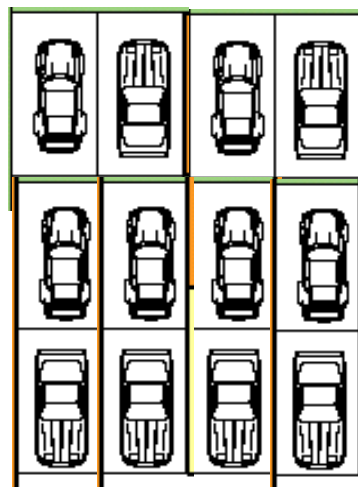
Parking, Tandem: The parking of up to two (2) cars, one behind the other.



Normal

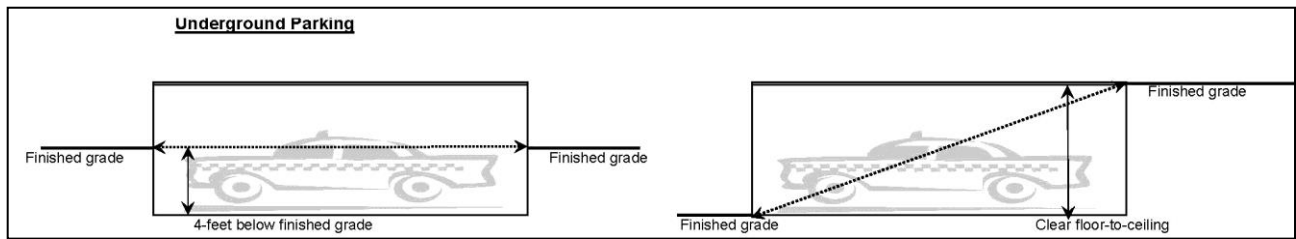


Tandem



Stacked

Parking, Underground: Parking spaces within a covered structure where either: fifty percent of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the building; or, the floor of the parking space is four (4) feet below the finished surface of the ground adjacent to the exterior walls of the building, whichever is greater.



Parking, Off-site: One or more parking spaces on one parcel of land providing parking spaces for a use on another parcel of land.

Continued as written.

PAS Essential INFO PACKET

PAS EIP-24

September 2009

Parking Solutions

The Planning Advisory Service (PAS) researchers are pleased to provide you with information from our world-class planning library. This packet represents a typical collection of documents PAS provides in response to research inquiries from our 1,500 subscribers. For more information about PAS visit www.planning.org/pas.



American Planning Association

Making Great Communities Happen

provide six fewer parking stalls than would normally be required. The code assumes that, for the combination of these particular uses, the greatest demand for parking will take place between the hours of 7:00a.m. and 6:00p.m.

Some municipalities, rather than prescribing a particular formula or table governing shared parking, give discretion to city staff to approve shared parking arrangements based on individual circumstances, parking studies, or estimated peak operating times provided by applicants. Some outline specific criteria that must be met in order to share required parking spaces. Bellevue, Washington, for example, uses these guidelines for uses outside its downtown:

Shared Use of Parking.

The following provisions apply outside the Downtown Districts:



1. General. The Director of Planning and Community Development may approve shared use of parking facilities located on separate properties if:
 - a. A convenient pedestrian connection between the properties exists; and
 - b. The properties are within 1,000 feet of each other; and
 - c. The availability of parking for all affected properties is indicated by directional signs as permitted by Chapter 22B.10 BCC (Sign Code).
2. Number of Spaces Required.
 - a. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
 - b. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total is reduced by 10 percent:
 - i. The parking areas share a property line; and
 - ii. A vehicular connection between the lots exists; and
 - iii. A convenient, visible pedestrian connection between the lots exists; and
 - iv. The availability of parking for all affected properties is indicated by directional signs, as permitted by Chapter 22B.10 BCC (Sign Code).
3. Documentation Required. Prior to establishing shared use of parking, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of Planning and Community Development providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

(Bellevue uses somewhat more lenient standards in its downtown.)

Keeping track of shared parking arrangements can be an administrative challenge. Informal shared parking arrangements also often exist outside the official regulatory structure, particularly in large, densely populated cities. Where such arrangements are done "officially," subsequent changes in land uses frequently will trigger the need for more parking than was provided when a shared parking arrangement was initially approved. Some cities (e.g., Los Angeles, Schaumburg, Illinois, through its transportation demand management ordinance) encourage land banking space for future parking needs when approving a shared parking arrangement in order to accommodate evolving use of the property or properties in question. Al-

- 6.15** *Existing Parking Facilities.* Accessory off street parking facilities established after March 15, 1961, shall not hereafter be reduced below - of if already less than, shall not be further reduced below - the minimum requirements under the provisions of this Article 6.000. Accessory off street parking facilities in existence as of March 15, 1961 shall only be required if such facilities have been used to satisfy parking requirements after March 15, 1961.
- 6.16** *Dedicated Off Street Parking Facilities.* Required off street parking facilities which after development are later dedicated to and accepted by the City and maintained by the City for off street parking purposes, shall be deemed to continue to serve the structures or uses to meet the requirements for which they were originally provided.
- 6.17** *Compatibility with the E.P.A. Clean Air Regulations* In addition to the regulations contained in this Article, all off street parking facilities must comply with restrictions contained in the Transportation Control Plan for the Metropolitan Boston Interstate Air Quality Control Region as promulgated by the United State Environmental Protection Agency to the extent the same are in force and effect.
- 6.18** *Compatibility with Handicapped Access Rules.* In addition to the regulations contained in this Article 6.000, all off street parking facilities must comply with the currently applicable "Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts" to the extent the same are in force and effect.
- 6.20** **OFF STREET PARKING REGULATIONS**
- 6.21** *Use.* All accessory parking facilities provided in accordance with this Article shall be maintained exclusively for the parking of motor vehicles so long as the use exists which the facilities were designed to serve. Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind, with the exception of emergency service when needed.
- 6.22** *Location.* All accessory off street parking facilities shall be located in accordance with the provisions of subsections 6.22.1, 6.22.2 and 6.22.3. For purposes of this Section 6.22 lot shall also mean the Development Parcel of any Planned Unit Development regulated by the provisions of Article 12.000 and Article 13.000 without regard to a lot or lots that may initially constitute the Development Parcel or any lot or lots created within the Development Parcel subsequent to the approval of the PUD by the Planning Board.
- **6.22.1** Accessory off street parking facilities may be located on the same lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions:
- (a) (1) said other lot is contiguous to the lot on which the use being served is located; or
 - (2) said other lot is within three hundred (300) feet of the lot on which the use being served is located and the use being served is nonresidential; or
 - (3) said lot is within three thousand (3000) feet of the lot on which the use being served is located, such use is an institutional use listed in Subsection 6.36.3b
-

and said use is located within a five acre area containing one or more lots, contiguous except for streets, owned by a single institution; and

- (b) said lot is not now and was not within the past five (5) years the location of a preferably preserved significant building (as defined in the General Ordinances of Cambridge) as determined by the Cambridge Historical Commission.
- (c) however, no off site accessory parking facilities shall be allowed to meet the requirements for Subsection 6.36.5h "Theatre or hall for public gatherings".

6.22.2 The Board of Zoning Appeal may grant a special permit for off site accessory parking not allowed in Subsection 6.22.1 (a) provided that convenient and safe access from the parking facility to the use being served is provided in accordance with the following conditions:

- (a) No off site accessory parking facility may be located on a lot which has a more restrictive zoning classification than the lot on which the use being served is located.
- (b) Off site accessory parking facilities shall be located within four hundred (400) feet of the lot being served for residential uses and within one thousand (1000) feet of the lot for other uses.

6.22.3 [PARAGRAPH DELETED]

6.22.4 Accessory off street parking spaces required under the provisions of this Article 6.000 need not be in the City of Cambridge.

6.22.5 Distance Measurements For Parking Facilities. In all cases where distance measurements between a lot and off site parking facilities or other specified area are specified in this Article 6.000, such distance shall be measured as a straight line from the nearest point for the lot on which the off site accessory parking is located, to the nearest transit station entrance, or to the nearest street line or other boundary of another specified area.

6.23 *Control of Off Site Parking Facilities.* Where accessory parking facilities are allowed on land other than the lot on which the use being served is located said other land shall be in identical ownership or binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings or to the special permit granting authority, that the off site parking will continue to be available for the period during which the use or uses that the parking serves may be expected to be in existence. Such commitments shall be evidenced by negotiated lease agreement, recorded covenant or comparable legal instrument. Such instrument shall be duly recorded at the Middlesex County Registry of Deeds and certification of such recording provided to the Superintendent of Buildings or the special permit granting authority.

6.30 PARKING QUANTITY REQUIREMENTS

6.31 *Required Amount of Parking.* Off street parking facilities shall be provided for each use of a lot or structure in the amount specified in the schedule of parking requirements contained in Subsection 6.36. Said schedule specifies the amount of accessory off street

New York, NY

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces.

(12/15/61)

25-50



RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

(9/9/04)

25-51

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility uses#, to #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-Site Spaces for Residences)

Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses)

Section 25-54 (Joint and Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

(2/6/72)

25-52

Off-Site Spaces for Residences

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

- (a) located in a district other than a #Residence District# or a C7 District, or provided in a joint facility located in a district other than an R1 or R2 District, on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 25-54 (Joint Facilities); and
- (b) not further than the maximum distance from the #zoning lot# specified in Section 25-521.

(10/29/07)

25-521

Maximum distance from zoning lot

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

Maximum Distance from Zoning Lot	District
600 feet	R3 R4 R5 R6 R7-1 R7B
1,000 feet	R7-2 R7A R7D R7X R8 R9 R10

(9/9/04)

25-53

Off-Site Spaces for Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section, inclusive.

(9/9/04)

25-531

For houses of worship

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district, provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

(9/9/04)

25-532

For permitted non-residential uses

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and

- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

(9/9/04)

25-54

Joint and Shared Facilities

(9/9/04)

25-541

Joint facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet

Richmond, VA



Off-Site Parking – Leasing Information Sheet

Off-site parking may be used to satisfy the parking requirements of the City of Richmond zoning regulations provided:

- The off-site parking area or parking lot is in a zoning district, which permits parking areas or parking lots.
- The parking spaces are available exclusively for the proposed use during its hours of operation. **[NOTE: They may not be spaces that are required by other uses to meet their parking requirements.]**
- The parking must be within a three hundred foot (300') radius of a principal entrance. **[NOTE: A five-hundred foot (500') radius is permitted within the boundaries of the PO-2 (Carytown) Parking Overlay District and within the B-4, B-5, B-6, RF-1, RF-2, CM & DCC zoning district boundaries.]**
- The off-site parking must also have signage that identifies the business/dwelling use to which the space(s) are dedicated and the hours of their availability. **(IMPORTANT: Please verify with the lessor that they are willing to let you place identification signage upon the leased property.)** The sign(s) shall be a minimum of 1' x 1' in dimension, but cannot exceed four (4) square feet total and may not have any advertising (i.e. – name of establishment, logo, etc.) located on it. In lieu of a sign, identification of the space on the pavement surface is also permitted. **[NOTE: Off-premise identification is not required within the boundaries of the PO-2 (Carytown) Parking Overlay District.]**
- A business location must also post, in a conspicuous location, the location and availability of such off-site parking spaces. **[NOTE: Not required within the boundaries of the PO-2 (Carytown) Parking Overlay District.]**
- If the off-site parking area is under the same ownership control as the property that requires the parking, a letter from the owner of the properties that meets the above requirements is required.

If the off-street parking area is in a different ownership than the property that requires the parking then, in addition to the above requirements, a formal lease agreement must be submitted to the Zoning Administrator and the City Attorney for their approval. The written lease or other legal agreement shall include the following:

- The address for which the parking is required.
- The address of the off-site parking area.
- A site plan showing the location of the specific parking spaces.
- The lease must be for a minimum of a two (2) year time period
- The lease must contain the following specific language for all uses:

"The Zoning Administrator shall be notified in writing at least thirty (30) days prior to either party canceling the lease."

In addition, the lease must also contain the following specific language:

For residential uses: ***"Leased parking spaces shall be dedicated and reserved for the exclusive twenty-four (24) hour use of the lessee."***

For non-residential (business) uses: ***"Leased parking spaces shall be dedicated and reserved for the exclusive use of the lessee during normal hours of operation."*** [See: 114-710.4(2)]

- The lease must identify the form of ownership (i.e. - partnership, corporation, LLC, etc.) **and** the authority by which the lease was executed (i.e. – president, agent, corporate officer, owner, etc.) for both parties as well as the names, signatures, addresses and telephone numbers of all parties involved in the lease.

Chicago

D E C O D E D

17 Chicago Zoning Ordinance

17-10 PARKING AND LOADING

§ 17-10-0600 Location of off-street parking

§ 17-10-0600

Location of off-street parking

17-10-0601 RS Districts. The following standards apply in all RS districts.

17-10-0601-A Off-street parking is prohibited in side setbacks and within 20 feet of the front property line . Off-street parking is permitted in a required side setback when accessed by a permitted driveway from the front property line .

17-10-0601-B Required off-street parking spaces for residential uses must be located on the same zoning lot as the dwelling units served.

17-10-0601-C Required off-street parking and non-required accessory parking serving nonresidential uses in RS districts (e.g., religious assembly) must be located on the same zoning lot as the use served, except that such parking may be located off site if approved as a special use . In such cases, the distance between the nearest parking space and the entrance to the use served by such parking may not exceed 600 feet. (See the special use procedures of Sec. 17-13-0900" destination-id="JD 17-13-0900 (/17-13-0900/) ">17-13-0900 (/17-13-0900/))

17-10-0602 RT, RM and DR Districts. The following standards apply in all RT, RM and

Chicago, IL

17-10-0602-A Off-street parking is prohibited in side setbacks and within a 20-foot setback as measured from the front property line . Off-street parking is permitted in a required side setback when accessed by a permitted driveway from the front property line

17-10-0602-B Off-street parking spaces required for detached houses , townhouses and two-flats must be located on the same zoning lot as the dwellings served.

17-10-0602-C Required off-street parking and non-required accessory parking serving uses other than detached houses , townhouses and two-flats in RT, RM and DR districts must be located on the same zoning lot as the use served, except that such parking may be located off site if approved as a special use . In such cases, the distance between the nearest parking space and the entrance to the use served by such parking may not exceed 600 feet. Off-site parking spaces accessory to a use in an RT, RM or DR district may not be located in RS1, RS2 or RS3 district. (See the special use procedures of Sec. 17-13-0900" destination-id="JD . 17-13-0900 (/17-13-0900/) ">17-13-0900 (/17-13-0900/))

17-10-0603 B, C, DC, DX, DS and M Districts.

17-10-0603-A In B, C, DC, DX, DS and M districts, all required accessory parking spaces must be located on the same zoning lot as the building or use served, except that:

1. Required accessory parking serving nonresidential uses in B, C, DC, DX, DS and M districts may be located off site when approved as an administrative adjustment (See Sec. 17-13-1003-FF), provided that:

a.

the distance between the nearest off-site, accessory parking space and the entrance to the

9-17-10-0600/#a)

b.

the proposed off-site, accessory parking is not located in an R or DR district.

9-17-10-0600/#b)

2. Required accessory parking serving residential or nonresidential uses in B, C, DC, DX, DS and M districts may be located off site when approved as a special use (See Sec. 17-13-0900" destination-id="JD_17-13-0900 (/17-13-0900/) ">17-13-0900 (/17-13-0900/)), provided that the distance between the nearest off-site, accessory parking space and the entrance to the use served by such parking does not exceed 600 feet.

17-10-0603-B Non-required accessory parking serving uses in B, C, DC, DX, DS and M districts may be located off site in any zoning district that allows non-accessory parking .

17-10-0604 Agreement. An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Off- site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-11-13, p. 60173, § 10)

History



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Comments

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Special exceptions. The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Zoning Board of Adjustment that the proposed plan will result in a better situation with respect to surrounding neighborhoods, citywide traffic circulation and urban design than would strict compliance with otherwise applicable off-street parking standards.

(a) Off-site parking. The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the primary use is located, subject to the following standards.

- (1) Location. No off-site parking space shall be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Zoning Board of Adjustment if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the primary use.
- (2) Zoning classification. Off-site parking areas shall be considered accessory uses of primary uses that the parking spaces are intended to serve. Off-site parking areas shall require the same or a less restrictive zoning classification than that required for the use served.
- (3) Report from Planning Director. The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects of the proposed shared parking use.
- (4) Off-site parking agreement. In the event that an off-site parking area is not under the same ownership as the primary use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to County Recorder's Office for recordation on forms made available in the office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a

→ 4. **Availability of parking on subject lot.** The required parking for any use shall be on the same lot as the use, except: *18

- a. A non-residential use in a non-residential district may have parking on another lot when: *18

- (1) The lot is located within 300 feet of the use measured in a direct line from the building or, if no building is present, from the property line, and is not across an arterial or collector street; *18
- (2) The off-site parking area is zoned the same as the use or is in a zoning district permitting commercial parking lots; and *18
- (3) The use of the parking area is exclusively for the subject use and does not reduce parking for any other use below that required by this Section. *18

If not owned by the owner of the property containing the use, the off-site area must be used in conjunction with a recorded, non-cancelable lease, renewable in a minimum of five (5) year increments. A copy of the executed and recorded lease shall be provided to the Building Official and Planning and Development Traffic Engineer. The lease must remain permanently in effect to satisfy the parking requirements of this Section. *18

- b. Parking for a nonresidential use legally permitted within a residence district may be provided on a lot separated from the property by no more than a public alley. *18
- c. Parking for any use located outside a residence district shall not be located within a residence district unless in accordance with the provisions of this Ordinance. *18

B. Site and Parking Space Design Standards.*18

1. **Parking plan requirements.** Parking plans shall be submitted to and approved by the Planning and Development Department. The plan shall indicate the location and dimensions of all parking spaces, driveways, queuing lanes, maneuvering areas, parking and maneuvering surface, landscaped areas and pedestrian ways. The design shall provide sufficient on site maneuvering for each parking space (Refer to parking layout policy) along with adequate driveways. All parking plans shall conform to Section 31-44 of the Phoenix City Code, as amended. *18

2. **Space and aisle dimensions.** Dimensions for maneuvering aisles and for different types of parking spaces shall be as follows: *18

- a. *Parking garages:* +18

(1) Parking space dimensions: +18

**Burlington Planning Commission
Ordinance Committee**

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Burlington Planning Commission

Ordinance Committee Meeting Minutes

Tuesday, January 7, 2016 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Bruce Baker (BB), Phil Hammerslough (PH), Jonathan Stevens (JS), Andy Montroll (AM)
- **Absent:** Lee Buffinton (LB)
- **Public:** Megan Stearns
- **Staff:** Scott Gustin, Mary O'Neil (Planning & Zoning)

1. Animal Boarding/Kennel/Shelter in Downtown zones

A MOTION was made by PH and SECONDED by BB:

Forward the proposal to the full Planning Commission for consideration.

Vote: 3-0-0 (AM not present)

2. Off-site parking. Continued discussion per 12/3/15 meeting

A MOTION was made by AM and SECONDED by PH:

Forward the proposal to the full Planning Commission for consideration with the following revision:

- Establish two tiers: 1) Off-site parking for minimum required parking shall be secured by easement. 2) Off-site parking for parking other than the minimum requirement may be secured by lease or other measure.

Vote: 4-0-0

3. Next Meeting

February 4, 2016 at 5:15 PM.

4. Adjournment

The Committee adjourned at 6:30 PM.