

Midway City Council  
18 June 2019  
Regular Meeting

Ordinance 2019-06 /  
Parking Requirements for  
Commercial and Mixed-Use  
Developments



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** June 18, 2019  
**NAME OF APPLICANT:** Midway City  
**AGENDA ITEM:** Code Text Amendment for Parking Requirements

### **ITEM: 6**

Midway City is proposing a code text amendment of Section 16.13.39: Off-Street Parking and Loading. The proposed code will possibly increase the number of parking stalls required for commercial and mixed-use developments, create public parking areas, place restrictions on parking structures or possibly eliminate them from the code.

### **BACKGROUND:**

The City Council has directed the Planning Commission and staff to review our current parking requirements and consider amending those requirements. There have been areas of the Midway where parking has been a concern for years and there are some areas where parking has recently become an issue. Residents living on both sides of the street south of Café Galleria on 100 West have voiced their concerns about commercial generated parking extending down the road in front of their homes and property. The City spent thousands to repave the road to help alleviate the situation. Recently, residents living near The Midway Mercantile have expressed concerns regarding the overflow of commercial parking in front of residences. Because of these issues and others, the City would like to review our current code and develop a better code that will be unique to Midway, address the issues, and still meet the vision of our General Plan and Vision Statement.

The attached code is based on the Planning Commission discussions, public comments, and City Council discussions. There are five general parking issues that have been addressed. The following is a description of each issue and a response on ideas that have

been developed regarding these issues which are reflected in the proposed code text (please see attached).

- Public Parking Lots
  - The General Plan encourages the development of public parking lots along Main Street. The plan states the following:

*Parking – Parking is quickly becoming a significant issue along the corridor. The City, in concert with businesses can use several strategies to alleviate this problem.*

- 1. Modify parking requirements by possibly decreasing the number of stalls required in conjunction with the creation of public parking lots.*
- 2. Encourage businesses to develop shared parking partnerships that combine parking and reduce overall land consumption*
- 3. Explore creating community parking lots in strategic locations that can be funded through user fees, grants and funds from commercial development that pay for parking stalls in public lots instead of building their own off-street parking.*

#### Response

The City would like to create public parking areas that will best service the existing and future businesses in the commercial zones. Public parking sites must be carefully chosen to be within an acceptable walking distance from businesses, public spaces, and safe street crossings. These areas would be built by the City and should be properly screened and landscaped to create an attractive atmosphere that will compliment Main Street. Purchasing property and easements and building infrastructure will require funds. To finance the purchase and construction of public parking sites, an idea has developed that parking stalls required for businesses could either be built on the site of the business or they could be leased annually from the City in the public parking areas. The required fees for the “leased” spaces would continually grow and would be used for purchasing property, capitol improvements and for maintenance of public parking that has been built. The parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. The required fee will be adopted by the City Council as part of the City’s fee schedule. The Planning Commission recommended that 25% of required parking be required on site while up to 75% could be located off site at a City approved parking lot location. This will lighten the financial burden of a new business to locate in Midway by reducing the amount of initial expense by not requiring all the land to be purchased and developed for the required parking. Instead only a lease will be required for up to 75% of the stalls.

- Commercial generated parking in front of residences
  - As stated earlier in this report, commercial generated parking that overflows in front of residences is an issue. Staff has considered a potential solution that would use parking passes and enforcement to keep commercial parking in commercial areas. First, problem areas would be posted as a pass only parking area. Parking passes would be distributed to those living in the area that would allow them and their guests to park on the street. The City would then need to enforce the no commercial parking areas by regularly reviewing for parking passes. This is not a new idea and it has been implemented in other cities. The key with this plan is education and enforcement.

### Response

An idea developed from the Planning Commission meetings that each area of the City where parking is identified as a problem will be looked at individually for a potentially unique solution. The three streets that have been identified are 100 East north of Main Street, 100 West south of Main Street, and 200 West south of Main. The solution to address these issues do not require a code text amendment. The idea is that proper parking restrictions and signage should alleviate the problems. The thought is to restrict parking in some areas and eliminate it in others, but to always direct those looking for parking to a proper location using wayfinding signs. On 100 East, “residential only” parking signs will be installed along with wayfinding signs directing commercial generated parking down to the commercial areas. 100 West would also be signed the same. 200 West will be handled differently as compared to the aforementioned streets. The west side of 200 West will be posted as a no parking zone but there will also be wayfinding signs directing those looking for parking up to Main Street. The reason for the parking restriction is threefold, first the approved perpendicular parking for The Corner Restaurant will be more difficult to exit if there is parking on the westside of 200 West so to avoid conflicts the parking will be eliminated. Second, the two residences across the street from the parking area will be greatly impacted and will most likely always have vehicles parked in front of their property. Third, parking along the west side of 200 West is almost always on the painted bike lane making the lane not as usable and unsafe. Staff has discussed this option with the two closest and most impacted residents on the westside of the street and both are supportive of the idea. Public parking will continue south of The Corner Restaurant down the east side of 200 West to 100 South.

- Parking structures
  - There have been concerns about parking structures being built in the Midway. Currently the code allows for parking in the commercial zone but there is not a limit regarding structures. The only limit is the height ordinance of 35’.

## Response

After much debate by the Planning Commission, review of other cities' parking structure ordinances, and creating draft language that would allow parking structures in Midway, the Planning Commission decided to recommend not allowing parking structures in the commercial zones. The reason for not allowing parking structures in Midway is based on the idea that a parking structure would not match the vision of the community as described in the General Plan. If a developer would like to build one in the future they could always apply to amend the code. They would need to convince the City Council that their proposal would match the vision of Main Street and convince them that the structure was in the best interest of the community. If they were successful, then the code could be amended to allow it. This recommendation leaves the most control for the City Council over parking structures.

Some items to consider with parking structures is the impact they have on the community. Parking structures have a visual impact on the community, but they take up less valuable commercial space. While a ground level parking will have an impact on the community regarding a large footprint, greater drainage, and a greater urban heat island.

- Residential parking requirements
  - The code requires two spaces for residential structures. Only one space is required for mixed-use when the living quarters are above or below a business in a commercial zone. Concerns have been raised that one stall for a living unit in a mixed-use development is not enough and should be increased.

## Response

The proposed code would increase the parking requirement for mixed-use dwelling units with two or more bedrooms from the current requirement of one stall. One-bedroom units would continue to still require one stall, two-bedroom units would require 1.5 spaces, and units with three bedrooms or more would require two spaces. This would match the parking requirements for many the cities' parking codes that were reviewed.

- Commercial parking requirements
  - Generally, staff has heard comments that in general the number of stalls required should increase. There are impacts that should be considered regarding increasing the requirement that may have unintended consequences. Increasing the number could deter future business growth because more land would be required for more stalls along with an increase in cost. Increasing parking may also deter from the quaintness of Main Street and Midway in general. Run-off would also increase from adding more impervious surface. But we also do not want to under park and create a compounding problem of a lack of parking.

## Response

Parking requirements have been adjusted for several of the commercial uses allowed in the City. The greatest increase is for restaurants and cafes where it was discovered that Midway's requirement was less than almost all other Cities that were reviewed. The current requirement is one stall for every 250 sq. ft. of inside dining area while most cities had the requirement of one stall for every 100 sq. ft. of gross floor area. The proposed text increases the requirement to match most other cities. Staff also added parking requirements for all the permitted and conditional uses allowed in the commercial zone. This will make administering the parking requirements easier for staff and it will be easier for anyone inquiring about parking to find the information they are looking for.

### **PROPOSED FINDINGS:**

- Increasing parking for restaurants and cafes will make Midway's requirements like most other cities and will help alleviate potential parking problems for future restaurants
- Public parking areas will help existing and future businesses meet their parking needs
- Regulating parking structures will help the City to better control the potential impacts of these structures on the community

### **ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council feels that the proposed language is an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

## Section 16.1.1 Off-Street Parking and Loading

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

A. The number of spaces required below for each land use are established as minimum requirements.

1. Residential structures shall provide two (2) parking spaces per unit.
- ~~2. Boarding houses and bachelor dwellings shall have one parking space for each 100 feet of floor space devoted to bedrooms or one space for each two persons living on the premises, whichever is greater.~~
3. Hospitals shall have one (1) visitor parking space per two (2) patient beds, plus one (1) parking space for each employee at work in the hospital during daylight hours.
4. ~~Residential Facility for Elderly Persons and Residential Treatment Facilities Convalescent, nursing, and other such institutions~~ shall have one (1) visitor parking space per three (3) patient beds, plus one (1) parking space for each employee at work in the ~~home facility~~ during daylight hours.
5. ~~Hotels and motels Short-term lodging facilities~~ shall have one (1) parking space per room or suite, plus one (1) parking space for each employee at work on the premises during daylight hours.
- ~~6. Private clubs and lodge halls shall have one parking space per two persons based on the design capacity of the facility.~~
- ~~7. 6. Commercial recreation uses Recreational activity businesses~~ shall have one (1) parking space per two (2) patrons, based on the design capacity of the facility.
- ~~8. 7. Churches~~ shall have one parking space per three (3) seating spaces in the main assembly room.
- ~~9. 8. Theaters, auditoriums, sports arenas, and spaces of assembly~~ shall have one (1) parking space per ~~two four~~ (4) people based on the design of the structure.
- ~~10. 9. Mortuaries or funeral homes~~ shall have ~~forty~~ (40) parking spaces or one space for each ~~sixty~~ (60) square feet of floor space in all assembly rooms, whichever is greater.
- ~~11. 10. Medical clinics~~ shall have four (4) parking spaces per staff doctor, plus one (1) parking space for each non-doctor employee at work on the premises during daylight hours.
- ~~12. 11. Restaurants, and cafes taverns and lounges~~ shall have one parking space per ~~250 one hundred and fifty~~ (150) square feet of dining room floor space.
- ~~13. 12. Banks, professional offices, and other business buildings not specifically mentioned elsewhere in this sub-section~~ shall have one parking space per ~~two hundred and fifty~~ (250) square feet of floor area in the building devoted to public use.
- ~~14. 13. Retail stores, personal service shops, and other business buildings~~ shall have parking spaces at the rate of four per ~~one thousand~~ (1,000) square feet of retail floor area.
- ~~15. 14. Drive-in restaurants~~ shall have at least twelve (12) off-street parking spaces or sufficient off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles, ~~which are~~ parked on public streets.
- ~~16. 15. Industrial, manufacturing, and wholesale establishments~~ shall have one parking space per two employees based on the largest shift.

~~17~~ 16. Living quarters above or below the main level of a business in the commercial zone shall have one parking space assigned to each dwelling unit. Mixed-use residential dwellings shall provide the following amount of parking spaces:

a. Studio, One (1) bedroom or Two (2) bedroom: Two (2) spaces

b. Three (3) bedrooms or more: Two and a half (2.5) spaces

17. Car washes shall have one space per six hundred (600) square feet of floor area in the building devoted to public use plus three stacking spaces per bay. Wash bay areas are excluded from the parking stall requirement calculation.

18. Auto detailing shall have four (4) spaces per bay.

19. Day care shall have one (1) space per employee at work on the premises and two stalls for pick up and drop off.

20. Repair shops (includes bikes) shall have one space per three hundred (300) square feet of gross floor area.

21. New and used vehicle sales and rentals shall have one space per eight hundred (800) square feet of gross floor area.

22. Public and quasi-public buildings shall have one (1) space for every two hundred (200) square feet of gross floor area.

23. Barber, beauty shops, massage therapy and day spas shall have one (1) space per two hundred (200) square feet of gross floor area or two (2) per chair whichever is greater.

24. Veterinarian and pet grooming services shall have one (1) space per five hundred (500) square feet of gross floor area.

25. Private academies/studios shall have one (1) space per two hundred (200) square feet of gross floor area.

26. Carpentry and woodworking shops shall have one (1) space per seven hundred (700) square feet of gross floor area plus required parking for office and accessory uses or one stall for each employee at work on the premises, whichever is greater.

27. Electrician and plumbing shops shall have one (1) space per seven hundred (700) square feet of gross floor area plus required parking for office and accessory uses or one stall for each employee at work on the premises, whichever is greater.

~~18~~ 28. Uses not mentioned. The required off-street parking for any use not listed above shall be determined by the Planning Commission. The Planning Commission shall make the determination based on similar uses listed above.

#### B. Location and Control of Parking Facilities.

The off-street parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve except if the following apply:

1. unless a A cross parking agreement has been entered into with a neighboring party; said agreement must be approved by City Council.

2. 75% of the required parking may be located off-site at a city approved and designated area. The parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. The required fee will be adopted by the City Council as part of the City's fee schedule.

#### C. Computation of Required Parking Spaces.

For the purpose of computing off-street parking spaces (a space nine (9) feet wide and eighteen (18) feet deep), which are required by this Ordinance, the following rules shall apply:

1. Floor area shall mean gross floor area, unless otherwise specified for a particular use.

2. In stadiums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches of length of such benches or pews shall be counted as one (1) seat.

#### D. Combined Parking Areas.

The required off-street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall not be less than the sum of the requirements for each of the individual uses. Nevertheless, if the applicant can show, by using nationally recognized studies a lower parking requirement or parking need based on noncurrent use, the City Council may reduce the amount of parking. If any modification is proposed to the approval, then the combined parking will be reassessed, and additional parking may be required based on the proposed change or use.

#### E. Mixed Uses.

In the event that two (2) or more uses occupy the same zoning lot or parcel of land, the total requirements for off street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately. Nevertheless, if the applicant can show, by using nationally recognized studies a lower parking requirement or parking need based on noncurrent use, the City Council may reduce the amount of parking. If any modification is proposed to the approval, then the combined parking will be reassessed, and additional parking may be required based on the proposed change or use.

#### F. Access to Parking Facilities.

1. Access driveways for two-way traffic shall be a minimum of 24 twenty (20) feet and a maximum of twenty-six (26) feet in width and provide for ingress to and egress from all parking and loading facilities. Widths above twenty-six feet (26), accommodating a dedicated turn lane, shall be approved by the City Engineer. Access driveways for one-way traffic shall be a minimum of twelve (12) feet wide. Each parking and loading space shall be easily accessible to the intended user.

2. Forward travel in an automobile to and from parking facilities from a dedicated street or alley shall be required for all uses except for the following:

A. parking which has been provided in connection with one and two-family dwelling

B. parking in commercial zones that meet the following criteria:

i. A significant landscaped or open area (a minimum of forty-five (45) feet in width and 0.15 acres is preserved by incorporating the required off-street parking into the street right-of-way).

ii. No required parking is provided along the street frontage of a building.

iii. Required off-street parking in the street right-of-way is only allowed on local streets within the commercial zones. Required off-street parking in the street right-of-way of collector, arterial, highways, 100 East south of Main Street is prohibited.

iv. A six-foot (6') asphalt buffer area is required between the edge of the local road and the end of the ~~18~~ eighteen-foot (18') parking stall.

v. The property owner is required to maintain the asphalt parking area and the buffer area.

vi. The Midway City Council may require a development agreement for commercial properties that use local street right-of-way for their required off-street parking. The development agreement will set forth other conditions and obligations that apply to the property.

vii. If the required open area is developed, then the parking that was allowed because of the open area must be removed and will not be “grandfathered”. Required parking from the original development and for the development on the open area must meet all the off-street parking requirements.

viii. A pedestrian sidewalk must be provided the length of the development. The sidewalk shall be five feet (5’) wide and there shall be a three-foot (3’) park strip located between the parking stalls and the sidewalk. The landscaping in the park strip must not be over six inches (6”) in height.

3. Access to all off-street parking facilities shall be designed in a manner that will not interfere with the movement of a vehicular and pedestrian traffic. Off-street parking areas shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.

#### G. Circulation within a Parking Area.

Circulation within a parking area shall comply with the following requirements:

1. Parking area with more than one aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area. Aisles must be at least twenty-four (24) feet wide for perpendicular stalls. Aisle width for angled parking and parallel parking will be determined by the City Engineer.

2. Directional signs shall be required to differentiate between entrance and exit access points to the streets.

#### H. Location of Parking Facilities.

Restricted parking and loading facilities shall be located at the side and rear of buildings. Off-street parking space which is required in connection with a use shall be construed to be part of that use and shall not be located within a zone unless expressly permitted herein.

#### I. Lighting of Parking Areas.

Any lighting used to illuminate off street parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone. Lighting shall meet the requirements of the Midway City Nuisance Ordinance.

#### J. Continuing Obligation.

The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading area which meets the requirements of this Ordinance.

#### K. Plot Plan Approval Required.

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking spaces, a plot plan shall be submitted showing the location and layout of such required spaces along with access aisles, roadways, curbs and curb cuts. The Planning Commission shall disapprove such plans if it finds that the required spaces are not usable for standard sized automobiles or do not comply with the requirements for off-street parking as set forth in this Ordinance.

L. Parking Structures are not allowed.

(2009-15, Section Added, eff. 12/23/2009) (2016-02, Section Amended, eff. 3/9/16; 2018-11, Section F Amended, eff. 3/14/18)