

City of Fayetteville Staff Review Form

2015-0372

Legistar File ID

9/1/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

8/14/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 15-5088 Administrative Item (UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Section 172.05. The proposal is to remove minimum parking standards for non-residential uses.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF SEPTEMBER 1, 2015

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: August 14, 2015

SUBJECT: ADM 15-5088 Administrative Item (UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Section 172.05. The proposal is to remove minimum parking standards for non-residential uses.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to amend Section 172.05 of the Unified Development Code, removing minimum parking requirements for non-residential uses.

BACKGROUND:

Minimum parking requirements common throughout many cities have an enormous effect on many aspects of our built environment, and yet has limited research justifying the numbers. Minimum ratios are typically based on Institute of Transportation Engineers (ITE) recommendations that are in turn based on surveys performed to measure “peak demand”, that one day each year when suburban parking lots are at their fullest. Further, more than half of the 101 published parking rates are based on four or fewer surveys of parking occupancy, and 22% are based on a single survey¹.

Several times each year in Fayetteville, planning staff denies a business license or has to discourage a prospective business owner from moving into an existing building because the location cannot meet the minimum parking requirements laid out in Chapter 172.05. Many times this is the result of a change in use of the property, for example from office use to restaurant or retail use. Retail use has a higher minimum parking ratio requirement than does office use, and the restaurant use is higher still. Because of the minimum parking ratios, an older office or retail center cannot easily adapt to changing real estate market conditions and prospective tenants are limited to the originally anticipated use. This has the effect of stifling the ability for a property to be adaptively reused over time.

Staff also meets with different developers about the same properties over and over again, particularly downtown and along developed corridors, such as College Avenue, where new

¹ Shoup, Donald. 1999. The trouble with minimum parking requirements. *Elsevier Science Ltd.*

potential infill development proposals are impossible or too costly to develop because of minimum parking requirements.

DISCUSSION: Staff proposes to remove the minimum parking ratios for non-residential uses. The first intention of this code amendment is to encourage appropriate infill development and revitalization, the first goal of City Plan 2030. This change will allow business owners/developers of non-residential uses and market demand to determine minimum parking needs for the intended use. In staff's opinion, a more accurate assessment of parking needs for a non-residential use will come from the business owner/developer and customers. Maximum parking ratios and residential parking ratios are not affected by the proposed code amendment.

There are numerous cities around the United States that have either partially or totally removed minimum parking ratios for non-residential uses with positive results. Staff's research and observation in Fayetteville has been that if a non-residential use does not have enough parking, the use will go out of business, move to a location that meets the customer's needs, or customers will find a different mode of transportation to the site. The City very rarely receives complaints about a lack of non-residential parking or adverse impacts to surrounding property because of a lack of non-residential parking, even in the downtown business community. While a scientific study in Fayetteville has not been conducted, recent studies by the Transportation Research Board show that parking is already oversupplied in mixed use districts by an average of 65%². Moreover, surface parking lots suppress property value and waste potential for highly valuable economic development opportunities in many properties throughout our commercial districts.

The City's codes have included a parking waiver downtown for many years allowing a change of use in existing buildings without having to provide additional parking. This waiver has helped facilitate the redevelopment and revitalization of Dickson Street and the greater downtown area, but it has limited new and infill development. With the construction of the new municipal parking deck downtown and the recently implemented pay parking program and residential parking program, staff believes the timing is now appropriate to remove the minimum parking requirements for non-residential uses not just downtown but throughout the entire city.

This code change is an economic development tool that will allow turnover and revitalization of our existing building stock for a variety of new and start-up businesses. Underused parcels represent a costly missed opportunity in many cases. As noted in a recent Planning Magazine article published by the American Planning Association, "getting parking right might be a more dependable and longer lasting form of economic development" than any traditional approach. Simplified development procedures, opening up infill development to be more functionally viable, activating underperforming, vacant, or derelict lots, and enabling more opportunities for sustainable or green development principles are all potential, positive outcomes of this proposal. This proposal places a priority on people rather than automobiles for new development, and aligns our code with the City Plan 2030 policy direction for urban and traditional development patterns. The code change is essential for valuable growth of progressive, thoughtful infill projects where the number of parking spaces is dictated by the market rather than a contextually insensitive suburban code. Eliminating the non-residential minimum parking requirement does not mean developments will begin providing no parking-in fact, it would be difficult to justify even getting a development loan for construction if that was the case. Rather, it simply means there is more

² Canepa, Brian & Karlin-Resnick, Joshua. (2015, May). Releasing the Parking Brake on Economic Development. *Planning, The Magazine of the American Planning Association*, 81(5), pp. 23-27.

flexibility to provide the parking that is truly needed for a development to succeed³, as determined by those best placed to make that decision.

The City does receive complaints on a regular basis when a residential development does not have enough parking. This can result in violations such as parking in the grass, blocking fire lanes, and property trespass. These issues are compounded in a university city like Fayetteville where a large number of students live off campus and where visitor parking is neither anticipated nor provided. For this reason staff does not propose to modify the minimum number of parking spaces for residential use at this time.

BUDGET/STAFF IMPACT:

None

Attachments:

- CC ordinance
- Exhibit 'A'
- July 27, 2015 Planning Commission staff report.
- Public Comment
- Supplementary Materials

³ Shoup, Donald. (2015, May). Putting a Cap on Parking Requirements: A Way to Make Cities Function Better. *Planning, The Magazine of the American Planning Association*, 81(5), pp. 28-30.

Thompson, Quin

From: Garner, Andrew
Sent: Thursday, July 30, 2015 12:03 PM
To: Thompson, Quin
Subject: [public comment for parking code change] FW: Parking

Quin,
Please save this email in the public comment file and include a copy on the City Council packet.
Thanks,
Andrew

From: Ben Salmonsens [mailto:bensalmonsens@gmail.com]
Sent: Tuesday, July 28, 2015 12:03 PM
To: Garner, Andrew
Subject: Parking

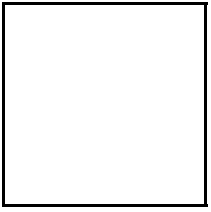
Mr. Garner,

I believe ending the parking regulation rules would be a positive change for the city of Fayetteville. I agree with Hoskins saying that the business owners who are using their sources of capital to operate should be the ones who decide how much parking they have. Also, I think we can all agree that this is just one less requirement for developers to have to fulfill and will surely promote new development across Fayetteville. Thanks for taking the time to hear my recommendation on this issue.

Respectfully,

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Regards,

Benjamin Salmonsens
Keller Williams Commercial Division
Northwest Arkansas Region Representative
Cell: 479-330-1250



From: Art Hobson [<mailto:ahobson@uark.edu>]

Sent: Tuesday, August 04, 2015 8:22 AM

To: Planning <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Marr, Don <dmarr@fayetteville-ar.gov>; Matthew Petty <matt@matthewpetty.org>; Adella Gray <adellag@cox.net>; Lioneld Jordan <ljordan7@hotmail.com>; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Schoppmeyer, Martin <ward3_pos2@fayetteville-ar.gov>; La Tour, John <ward4_pos1@fayetteville-ar.gov>; longward4@gmail.com; Pate, Jeremy <jpate@fayetteville-ar.gov>; agarner@fayetteville-ar.gov

Cc: Marie Riley <mriley@uark.edu>

Subject: Parking proposal

Dear City Planners and City Councilors:

Congratulations to the Fayetteville Planning Commission for proposing that minimum parking requirements for commercial establishments be abolished! This has been needed for decades. I hope and presume that the City Council will follow suit. This will improve our quality of life, and make central Fayetteville a more supremely walkable destination—the leading goal of our excellent 2004 Downtown Master Plan that hundreds of our best citizens had a hand in creating. Infill, higher density, fewer cars, and more fun should be our bywords for downtown planning.

Cheers - Art Hobson

Art Hobson, Emeritus Professor of Physics, U Arkansas.

Look for [Tales of the Quantum](#) Oxford University Press, in 2015.

See my textbook & other stuff [here](#).



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~July 27, 2015~~ **UPDATED AUGUST 05, 2015**

SUBJECT: **ADM 15-5088 Administrative Item (UDC AMENDMENT CHAPTER 172.05 STANDARDS FOR THE NUMBER OF SPACES BY USE):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 172.05. The proposal is to remove minimum parking standards for non-residential uses.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 15-5088** to the City Council with a recommendation for approval.

BACKGROUND:

This amendment was tabled at the July 13, 2015 Planning Commission meeting in order to allow more time for comment and discussion.

The minimum parking requirement has an enormous effect on many aspects of our built environment, and yet has limited research justifying the numbers. Minimum ratios are typically based on Institute of Transportation Engineers (ITE) recommendations that are in turn based on surveys performed to measure peak demand, that one day each year when suburban parking lots are at their fullest. Further, more than half of the 101 published parking rates are based on four or fewer surveys of parking occupancy, and 22% are based on a single survey (Shoup, 1999)¹.

Several times each year planning staff denies a business license or has to discourage a prospective business owner from moving into an existing building because the location cannot meet the minimum parking requirements laid out in Chapter 172.05. Many times this is the result of a change in use of the property, for example from office use to restaurant or retail use. Retail use has a higher minimum parking ratio requirement than does office use, and the restaurant use is higher still. Because of the minimum parking ratios, an older office or retail center cannot easily adapt to changing real estate market conditions and prospective tenants are limited to the originally anticipated use.

Staff also meets with different developers about the same properties over and over again, particularly downtown and along developed corridors, where new potential infill sites are impossible or too costly to develop because of minimum parking requirements.

¹ Shoup, Donald. 1999. The trouble with minimum parking requirements. Elsevier Science Ltd.

DISCUSSION: Staff proposes to remove the minimum parking ratios for non-residential uses. The intention of this code amendment is to encourage appropriate infill development and revitalization, the first goal of City Plan 2030. This change will allow business owners/developers of non-residential uses and market demand determine minimum parking needs. In staff's opinion, a more accurate assessment of parking needs for a non-residential use will come from the business owner/developer and customers. Maximum parking ratios and residential parking ratios are not affected by the proposed code amendment.

There are numerous cities around the United States that have either partially or totally removed minimum parking ratios for non-residential uses with positive results. Staff's research and observation in Fayetteville has been that if a non-residential use does not have enough parking, the use will go out of business or users will find a different mode of transportation to the site. The City very rarely receives complaints about a lack of non-residential parking or adverse impacts to surrounding property because of a lack of non-residential parking.

The City's codes have included a parking waiver downtown for many years allowing a change of use in existing buildings without having to provide additional parking. This waiver has helped facilitate the redevelopment and revitalization of Dickson Street and the greater downtown area, but it has limited new and infill development. With the construction of the new municipal parking deck downtown and the recently implemented pay parking program and residential parking program, the timing is now appropriate to remove the minimum parking requirements for non-residential uses throughout the entire city. This code change is an economic development tool that will allow turnover and revitalization of our existing building stock for a variety of new and start-up businesses. This proposal places a priority on people rather than automobiles for new development, and aligns our code with the City Plan 2030 policy direction for urban and traditional development patterns. The code change is essential for valuable growth of progressive, thoughtful infill projects where the number of parking spaces is dictated by the market rather than a heavy-handed suburban code.

The City does receive complaints on a regular basis because a residential development does not have enough parking. This can result in violations such as parking in the grass, blocking fire lanes, and property trespass. These issues are compounded in a university city like Fayetteville where a large number of students live off campus. For this reason staff does not propose to modify the minimum number of parking spaces for residential use.

PLANNING COMMISSION ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Forward
<u>Date:</u> July 27, 2015			
<u>Motion:</u> HOFFMAN		<u>Vote:</u> 7-1-0	
<u>Second:</u> AUTRY			
<u>Note:</u>	RECOMMEND FORWARD AS PROPOSED BY STAFF, WITH BROWN VOTING 'NO'.		

BUDGET/STAFF IMPACT:
None

Attachments:

- UDC Chapter 172.05 (Existing)
- UDC Chapter 172.05 (Proposed)
- UDC Chapter 172.05 (Proposed changes shown in strikeout-highlight)
- Comments submitted by Tom Brown at the 07-13-15 Planning Commission meeting

Existing UDC 172.05

172.05 Standards For The Number Of Spaces By Use

(A) Required parking

- (1) *Required number of spaces.* A proposed use shall conform to the established parking ratios listed in Table 3. The minimum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards. For all parking space requirements resulting in a fraction, the fraction shall be:
 - (a) rounded to the next higher whole number when the fraction is 0.5 or higher.
 - (b) rounded to the next lower whole number when the fraction is less than 0.5.
- (2) *Change of use - existing structure.* A change of use in an existing structure may be permitted if the use adequately meets the minimum parking ratio standards herein. A change of use shall not be penalized for existing parking spaces that exceed the required parking ratios included in this chapter.
- (3) *Change of use – waiver.* In Downtown Core, Main Street Center, and Downtown General zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added.
- (4) *Building footprint – waiver.* In Downtown Core, Main Street Center and Downtown General zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.
- (5) *Downtown Core, Main Street Center, and Downtown General Zoning Districts accessory outdoor use areas -* Accessory outdoor patios, balconies, decks, and other similar outdoor use areas for restaurants and bars shall be exempt from meeting off-street parking requirements in the *Downtown Core, Main Street Center, and Downtown General* zoning districts.

TABLE 3

PARKING RATIOS (Use/Required Spaces)

Residential	
Single-family, duplex, triplex	2 per dwelling unit
Multi-family or townhouse	1 per bedroom

Commercial	
Agricultural supply	1 per 500 sq. ft. of GFA
Amusement	1 per 200 sq. ft. of GFA
Auditorium	1 per 4 seats
Auto/motorcycle service stations	4 per each enclosed service bay
Bank	1 per 200 sq. ft. of GFA
Barber or beauty shop	2 per chair
Building/home improvement supply	1 per 500 sq. ft. of GFA
Coin-operated laundry	1 per 3 machines
Dry cleaning	1 per 300 sq. ft. of retail area and 1 per employee
Hotels and motels	1 per guest room, plus 75% of spaces required for accessory uses.
Furniture and carpet store	1 per 500 sq. ft. of GFA
Plant nursery	1 per 1,000 sq. ft of indoor/outdoor retail area
Restaurants	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.
Retail	1 per 250 sq. ft. of GFA
Retail fuel sales with convenience stores	1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces.
Retail fuel sales only	1 per employee. Owner may count spaces at pump islands as parking spaces.

Office	
Medical/Dental office	1 per 250 sq. ft. of GFA
Professional office	1 per 300 sq. ft. of GFA
Sales office	1 per 200 sq. ft. of GFA

Public and Institutional Uses Nonprofit Commercial	
Art gallery, library, museum	1 per 1,000 sq. ft. of GFA
Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Child care center, nursery school	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated
Church/religious institution	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces
College auditorium	1 per 4 seats
College dormitory	1 per sleeping room
College or university	1 per 500 sq. ft. of classroom area

Existing UDC 172.05

Community center	1 per 250 sq. ft. of GFA
Cooperative housing	1 per 2 occupants
Convalescent home, assisted living, nursing home	1 per 2 beds
Detention home	1 per 1,500 sq. ft. of GFA
Elderly Housing	1 per 2 units
Funeral homes	1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
School--elementary and junior high	1 per employee plus 1 space per classroom
School--senior high	1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater
Zoo	1 per 2,000 sq. ft. of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants

Manufacturing/Industrial

Manufacturing	1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater
Heavy industrial	1 per 1,200 sq. ft. of GFA
Extractive uses	Adequate for all employees, trucks, and equipment

Recreational Uses

Amusement park, miniature golf	1 per 1,000 sq. ft. of site area
Bowling alley	6 per lane
Commercial recreation	1 per 200 sq. ft. of GFA
Commercial recreation-large sites	1 per 1,000 sq. ft. of site area
Dance hall, bar or tavern	1 per 50 sq. ft. of GFA, excluding kitchen
Golf course	3 per hole
Golf driving range	1 per tee box
Health club, gym	1 per 150 sq. ft. of GFA
Regional or community park	2 per acre of accessible active and passive space
Neighborhood park	None
Private club or lodge	1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater
Riding stable	1 per acre; not required to be paved
Tennis court	2 per court

Theater	1 per 4 seats
All other recreational uses	1 per 4 occupants

Warehousing and Wholesale

Warehousing	1 per 2,000 sq. ft. of GFA
Wholesale	1 per 1,000 sq. ft. of GFA
Center for collecting recycled materials	1 per 1,000 sq. ft. of GFA

(B) *On-street parking.* Permitted on-street parking spaces adjacent to a project frontage may count toward the parking requirements for all development, subject to approval by the Zoning and Development Administrator. Each on-street parking space provided may count toward the total required parking spaces for the development.

(C) *Off-street parking.*

(1) *Motorcycle and scooter parking.* In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

(2) *Maximum number allowed.* Developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

(a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.

(b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:

- (i) Bioswales
- (ii) constructed wetlands
- (iii) pervious pavement

(iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer

(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

(3) *Reductions.* Developments may utilize the following reductions to the required off-street

Existing UDC 172.05

parking ratios listed in Table 3 when the following standards are met:

- (a) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).
- (b) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.
- (c) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.
- (d) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
 - (i) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with nonconflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.
 - (ii) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.
 - (iii) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.
- (e) *Reduced parking within mixed use developments.* Parking requirements may be reduced where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
 - (i) *Request for parking space reduction.* A shared parking plan must be prepared to the satisfaction of the Planning Commission showing that parking spaces most conveniently serve the land uses intended, directional signage is proved if appropriate, and pedestrian links are direct and clear.
 - (ii) *Calculating parking space reductions.* Parking space reductions can be determined by a calculation using Table 4, Parking Occupancy Rates. If the calculation does show a parking space regulation reduction to be feasible, the applicant shall submit a parking reduction worksheet showing the process for calculating the reduction as outlined herein. The calculation using Table 4, Occupancy Rates shall be conducted as follows:
 - (a) *Determine minimum spaces required.* The minimum number of parking spaces that are to be provided and maintained for each use shall be determined by using Table 3, Parking Ratios.
 - (b) *Calculate occupancy rates.* The minimum number of parking spaces shall be multiplied by the "occupancy rate" (the percentage) provided in Table 4, Parking Occupancy Rates, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods, respectively.
 - (iii) *Sum parking spaces.* Sum the parking spaces for the combined uses for each time period. The number of parking spaces from the time period with the highest calculated number of parking spaces shall be the number of spaces required for the shared parking facility

TABLE 4

Parking Occupancy Rates

(Percent of basic minimum needed during time period)

Existing UDC 172.05

Uses	M-F 8am- 5pm	M-F 6pm- 12am	M-F 12am- 6am	Sat & Sun. 8am- 5pm	Sat & Sun. 6pm- 5pm	Sat. & Sun. 12am - 6am
Land Use Categories						
Residential	60%	100%	100%	80%	100%	100%
Commercial*	90%	80%	5%	100%	70%	5%
Office	100%	20%	5%	5%	5%	5%
Public & Institutional Uses (non- church)	100%	20%	5%	10%	10%	5%
Public & Institutional Uses (church)	10%	5%	5%	100%	50%	5%
Manufacturing/ Industrial	100%	60%	40%	50%	30%	10%
Warehouse/ Wholesale	100%	20%	5%	5%	5%	5%
Recreation	40%	100%	10%	80%	100%	50%
Specific Commercial Uses						
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Theater	40%	80%	10%	80%	100%	10%
Conference/ Convention	100%	100%	5%	100%	100%	5%

Source: Shared Parking Planning Guidelines, Institute of Transportation Engineers.

*Some specific uses have different occupancy rates. Check under "Specific Commercial Uses" with the rest of the table.

(4) Increases or reductions in excess of those identified herein shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses, procedures, and upon the finding that the increase or reduction is needed.

(Ord. 4567, 05-04-04; Ord. 4930, 10-03-06; Ord. 5118, 3-18-08; Ord. 5297, 12-15-09; Ord. 5435, 8-16-11)

Proposed UDC 172.05

172.05 Standards for the Number of Spaces by Use

A. Required Parking

1. Non-residential use. There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use.

2. Residential. The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(a) *Reductions for residential use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:

- (i) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).
- (ii) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.
- (iii) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle

rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.

(iv) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

(1) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

(2) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.

(3) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

3. Maximum number allowed for residential and non-residential uses. Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

- (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.

Proposed UDC 172.05

- (b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
- (i) Bioswales
 - (ii) constructed wetlands
 - (iii) pervious pavement
 - (iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer

(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

4. Parking ratio calculation. The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

- a. rounded to the next higher whole number when the fraction is 0.5 or higher.
- b. rounded to the next lower whole number when the fraction is less than 0.5.

5. On-street parking. Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

6. Motorcycle and scooter parking. (1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces

for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

7. Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

**TABLE 3
PARKING RATIOS
(Use/Required Spaces)**

Residential

Single-family, duplex, triplex	2 per dwelling unit
Multi-family or townhouse	1 per bedroom

Commercial

Agricultural supply	1 per 500 sq. ft. of GFA
Amusement	1 per 200 sq. ft. of GFA
Auditorium	1 per 4 seats
Auto/motorcycle service stations	4 per each enclosed service bay
Bank	1 per 200 sq. ft. of GFA
Barber or beauty shop	2 per chair
Building/home improvement supply	1 per 500 sq. ft. of GFA
Coin-operated laundry	1 per 3 machines
Dry cleaning	1 per 300 sq. ft. of retail area and 1 per employee
Hotels and motels	1 per guest room, plus 75% of spaces required for accessory uses.
Furniture and carpet store	1 per 500 sq. ft. of GFA
Plant nursery	1 per 1,000 sq. ft of indoor/outdoor retail area
Restaurants	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.
Retail	1 per 250 sq. ft. of GFA

Proposed UDC 172.05

Retail fuel sales with convenience stores	1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces.
Retail fuel sales only	1 per employee. Owner may count spaces at pump islands as parking spaces.

Office

Medical/Dental office	1 per 250 sq. ft. of GFA
Professional office	1 per 300 sq. ft. of GFA
Sales office	1 per 200 sq. ft. of GFA

Public and Institutional Uses

Nonprofit Commercial

Art gallery, library, museum	1 per 1,000 sq. ft. of GFA
Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Child care center, nursery school	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated
Church/religious institution	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces
College auditorium	1 per 4 seats
College dormitory	1 per sleeping room
College or university	1 per 500 sq. ft. of classroom area
Community center	1 per 250 sq. ft. of GFA
Cooperative housing	1 per 2 occupants
Convalescent home, assisted living, nursing home	1 per 2 beds
Detention home	1 per 1,500 sq. ft. of GFA
Elderly Housing	1 per 2 units

Funeral homes	1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
School--elementary and junior high	1 per employee plus 1 space per classroom
School--senior high	1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater
Zoo	1 per 2,000 sq. ft. of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants

Manufacturing/Industrial

Manufacturing	1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater
Heavy industrial	1 per 1,200 sq. ft. of GFA
Extractive uses	Adequate for all employees, trucks, and equipment

Recreational Uses

Amusement park, miniature golf	1 per 1,000 sq. ft. of site area
Bowling alley	6 per lane
Commercial recreation	1 per 200 sq. ft. of GFA
Commercial recreation-large sites	1 per 1,000 sq. ft. of site area
Dance hall, bar or tavern	1 per 50 sq. ft. of GFA, excluding kitchen

Proposed UDC 172.05

Golf course	3 per hole
Golf driving range	1 per tee box
Health club, gym	1 per 150 sq. ft. of GFA
Regional or community park	2 per acre of accessible active and passive space
Neighborhood park	None
Private club or lodge	1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater
Riding stable	1 per acre; not required to be paved
Tennis court	2 per court
Theater	1 per 4 seats
All other recreational uses	1 per 4 occupants

Warehousing and Wholesale

Warehousing	1 per 2,000 sq. ft. of GFA
Wholesale	1 per 1,000 sq. ft. of GFA
Center for collecting recycled materials	1 per 1,000 sq. ft. of GFA

PROPOSED CODE CHANGES SHOWN IN ~~STRIKEOUT~~-HIGHLIGHT/UNDERLINE

172.05 Standards For The Number Of Spaces By Use

(A) *Required parking.*

- ~~(1) *Required number of spaces.* A proposed use shall conform to the established parking ratios listed in Table 3. The minimum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards. For all parking space requirements resulting in a fraction, the fraction shall be:
 - ~~(a) rounded to the next higher whole number when the fraction is 0.5 or higher.~~
 - ~~(b) rounded to the next lower whole number when the fraction is less than 0.5.~~~~
- ~~(2) *Change of use – existing structure.* A change of use in an existing structure may be permitted if the use adequately meets the minimum parking ratio standards herein. A change of use shall not be penalized for existing parking spaces that exceed the required parking ratios included in this chapter.~~
- ~~(3) *Change of use – waiver.* In Downtown Core, Main Street Center, and Downtown General zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added.~~
- ~~(4) *Building footprint – waiver.* In Downtown Core, Main Street Center and Downtown General zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.~~
- ~~(5) *Downtown Core, Main Street Center, and Downtown General Zoning Districts accessory outdoor use areas.* Accessory outdoor patios, balconies, decks, and other similar outdoor use areas for restaurants and bars shall be exempt from meeting off-street parking requirements in the Downtown Core, Main Street Center, and Downtown General zoning districts.~~

Totally removed this subsection

1. Non-residential use. There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use.

New code

2. Residential. The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3.

(a) *Reductions for residential use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:

- (i) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).
- (ii) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.
- (iii) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.
- (iv) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
 - (1) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

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(2) Shared parking agreements. If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.

(3) Shared spaces. Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

3. Maximum number allowed for residential and non-residential uses. Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

(a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.

(b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:

- (i) Bioswales
- (ii) constructed wetlands
- (iii) pervious pavement
- (iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer

(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

4. Parking ratio calculation. The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

(a) rounded to the next higher whole number when the fraction is 0.5 or higher.

(b) rounded to the next lower whole number when the fraction is less than 0.5.

5. On-street parking. Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

6. Motorcycle and scooter parking. (1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

7. Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

This section was cut from the end of this subchapter and pasted here

This section was cut from the end of this subchapter and pasted here with minor re-wording

This sentence was changed to allow increase or decrease in number of spaces by variance instead of conditional use

TABLE 3
PARKING RATIOS
(Use/Required Spaces)

Residential	
Single-family, duplex, triplex	2 per dwelling unit
Multi-family or townhouse	1 per bedroom

Commercial	
Agricultural supply	1 per 500 sq. ft. of GFA
Amusement	1 per 200 sq. ft. of GFA
Auditorium	1 per 4 seats
Auto/motorcycle service stations	4 per each enclosed service bay
Bank	1 per 200 sq. ft. of GFA
Barber or beauty shop	2 per chair

Building/home improvement supply	1 per 500 sq. ft. of GFA
Coin-operated laundry	1 per 3 machines
Dry cleaning	1 per 300 sq. ft. of retail area and 1 per employee
Hotels and motels	1 per guest room, plus 75% of spaces required for accessory uses.
Furniture and carpet store	1 per 500 sq. ft. of GFA
Plant nursery	1 per 1,000 sq. ft of indoor/outdoor retail area
Restaurants	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.
Retail	1 per 250 sq. ft. of GFA
Retail fuel sales with convenience stores	1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces.
Retail fuel sales only	1 per employee. Owner may count spaces at pump islands as parking spaces.

Office

Medical/Dental office	1 per 250 sq. ft. of GFA
Professional office	1 per 300 sq. ft. of GFA
Sales office	1 per 200 sq. ft. of GFA

Public and Institutional Uses
Nonprofit Commercial

Art gallery, library, museum	1 per 1,000 sq. ft. of GFA
Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Child care center, nursery school	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated
Church/religious institution	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces
College auditorium	1 per 4 seats
College dormitory	1 per sleeping room
College or university	1 per 500 sq. ft. of classroom area
Community center	1 per 250 sq. ft. of GFA
Cooperative housing	1 per 2 occupants
Convalescent home, assisted living, nursing home	1 per 2 beds
Detention home	1 per 1,500 sq. ft. of GFA
Elderly Housing	1 per 2 units
Funeral homes	1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
School--elementary and junior high	1 per employee plus 1 space per classroom
School--senior high	1 per employee plus 1 per 3 students based on design

	capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater
Zoo	1 per 2,000 sq. ft. of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants

Manufacturing/Industrial

Manufacturing	1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater
Heavy industrial	1 per 1,200 sq. ft. of GFA
Extractive uses	Adequate for all employees, trucks, and equipment

Recreational Uses

Amusement park, miniature golf	1 per 1,000 sq. ft. of site area
Bowling alley	6 per lane
Commercial recreation	1 per 200 sq. ft. of GFA
Commercial recreation-large sites	1 per 1,000 sq. ft. of site area
Dance hall, bar or tavern	1 per 50 sq. ft. of GFA, excluding kitchen
Golf course	3 per hole
Golf driving range	1 per tee box
Health club, gym	1 per 150 sq. ft. of GFA
Regional or community park	2 per acre of accessible active and passive space
Neighborhood park	None
Private club or lodge	1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater
Riding stable	1 per acre; not required to be paved
Tennis court	2 per court
Theater	1 per 4 seats
All other recreational uses	1 per 4 occupants

Warehousing and Wholesale

Warehousing	1 per 2,000 sq. ft. of GFA
Wholesale	1 per 1,000 sq. ft. of GFA
Center for collecting recycled materials	1 per 1,000 sq. ft. of GFA

~~(B) On-street parking. Permitted on-street parking spaces adjacent to a project frontage may count toward the parking requirements for all development, subject to approval by the Zoning and Development Administrator. Each on-street parking space provided may count toward the total required parking spaces for the development.~~

~~(C) Off-street parking.~~

~~(1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.~~

This section was cut from this location and pasted before Table 3

This section was cut and pasted before Table 3

~~(2) *Maximum number allowed.* Developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:~~

- ~~(a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.~~
- ~~(b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
 - ~~(i) Bioswales~~
 - ~~(ii) constructed wetlands~~
 - ~~(iii) pervious pavement~~
 - ~~(iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer~~~~
- ~~(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.~~

~~(3) *Reductions.* Developments may utilize the following reductions to the required off-street parking ratios listed in Table 3 when the following standards are met:~~

- ~~(a) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off-street parking requirements by up to fifteen percent (15%).~~
- ~~(b) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.~~
- ~~(c) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.~~
- ~~(d) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
 - ~~(i) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with nonconflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.~~
 - ~~(ii) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.~~
 - ~~(iii) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.~~~~

This section was totally removed

- ~~(e) *Reduced parking within mixed use developments.* Parking requirements may be reduced where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
 - ~~(i) *Request for parking space reduction.* A shared parking plan must be prepared to the satisfaction of the Planning Commission showing that parking spaces most conveniently serve the land uses intended, directional signage is proved if appropriate, and pedestrian links are direct and clear.~~
 - ~~(ii) *Calculating parking space reductions.* Parking space reductions can be determined by a calculation using Table 4, Parking Occupancy Rates. If the calculation does show a parking space regulation reduction to be feasible, the applicant shall submit a parking reduction worksheet showing the~~~~

process for calculating the reduction as outlined herein. The calculation using Table 4, Occupancy Rates shall be conducted as follows:

- (a) *Determine minimum spaces required.* The minimum number of parking spaces that are to be provided and maintained for each use shall be determined by using Table 3, Parking Ratios.
- (b) *Calculate occupancy rates.* The minimum number of parking spaces shall be multiplied by the "occupancy rate" (the percentage) provided in Table 4, Parking Occupancy Rates, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods, respectively.
- (iii) *Sum parking spaces.* Sum the parking spaces for the combined uses for each time period. The number of parking spaces from the time period with the highest calculated number of parking spaces shall be the number of spaces required for the shared parking facility

TABLE 4
Parking Occupancy Rates
 (Percent of basic minimum needed during time period)

Uses	M-F 8am- 6pm	M-F 6pm- 12am	M-F 12am- 6am	Sat. & Sun. 8am- 6pm	Sat. & Sun. 6pm- 5pm	Sat. & Sun. 12am -6am
Land-Use Categories						
Residential	60%	100%	100%	80%	100%	100%
Commercial*	90%	80%	5%	100%	70%	5%
Office	100%	20%	5%	5%	5%	5%
Public & Institutional Uses (non- church)	100%	20%	5%	10%	10%	5%
Public & Institutional Uses (church)	10%	5%	5%	100%	50%	5%
Manufacturing/ Industrial	100%	60%	40%	50%	30%	10%
Warehouse/ Wholesale	100%	20%	5%	5%	5%	5%
Recreation	40%	100%	10%	80%	100%	50%
Specific Commercial Uses						
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Theater	40%	80%	10%	80%	100%	10%
Conference/ Convention	100%	100%	5%	100%	100%	5%

Source: Shared Parking Planning Guidelines, Institute of Transportation Engineers.

*Some specific uses have different occupancy rates. Check under "Specific Commercial Uses" with the rest of the table.

(4) Increases or reductions in excess of those identified herein shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses, procedures, and upon the finding that the increase or reduction is needed.

(Ord. 4567, 05-04-04; Ord. 4930, 10-03-06; Ord. 5118, 3-18-08; Ord. 5297, 12-15-09; Ord. 5435, 8-16-11)

This section was totally removed

Submitted by Commissioner Tom Brown at the 07-13-2015 meeting

ADM 15-5088 Non-residential Parking Requirements (UDC CH 172.05)

1. We live in a city with an urban form that has historically been influenced by the automobile. Our goal is to transition to a more walk able, bike able, transit orientated urban environment, but it will take time.
2. Eliminating minimum non-residential parking standards (ratios) may help push us to develop a more walk able, bike able, transit orientated urban form. But, what will be the cost of this abrupt transition? More tension between bordering residential and non-residential uses over limited parking resources or the loss of commercial uses because they are not able to adjust their business model to fewer drive in costumers.
3. Minimum non-residential parking standards (ratios) are an important tool in managing the impacts of limited parking resources on the city.
4. Along the urban transect, the minimum non-residential parking standard in the city's Agricultural and Rural Residential areas provide us with a tool to require drainage and vegetation mitigation in response to excess impervious surface conditions that may result when developers request parking in excess of the parking minimum.
5. While at the other end of the transect, in City Neighborhood and Urban Center areas where densities and land values are greater the minimum non-residential parking standards can be used to manage the negative impacts of new developments on existing adjacent residential uses involving the competition for limited parking resources.
6. At this time, I find it difficult to support the complete elimination of existing minimum parking standards (ratios), because we will need all the tools we have as we transition to a more "walk able, bike able, transit orientated city". But, I am ready to listen as we explore the attractiveness of making the proposed change or any other change in Chapter 172 of the UDC.
7. As an alternative, I would like to offer the suggestion to consider expanding Chapter 172 of the UDC to:
 - Add a citywide provision to give future developers the option of paying a fee in lieu of providing onsite parking that meets the minimum-parking standard.
 - Add reference to the existing down town "in lieu fee" detailed in UBC Chapter 156.03.
 - Add a detailed statement describing the objective of making the City more walk able, bike able and transit orientated.
 - Begin an intensive counseling effort by Planning Staff with future applicants to consider how best Chapters 156 and 172 can be applied.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: August 25, 2015

RE: § 172.05 (C) (4) *Further administrative reductions/increases for non-residential parking requirements*

After consultation with Alderman Petty and Developmental Services Director Jeremy Pate, I have made some changes to my proposed alternative code section that would authorize the Planning staff to reduce the minimum required parking requirements for non-residential parking administratively (without requiring Planning Commission action).

This attached ordinance would authorize the City Planning Director to grant reductions to the minimum parking requirements for non-residential developments. This would be a simple administrative procedure that does not require presentation to the Planning Commission to be granted. Nor does it require an "undue hardship" to be proven by the new business, but only a short review by Planning of the parking needs and resources in the neighborhood that could be affected adversely if no minimum parking is required of a new business. In order for this City Council and future City Councils to maintain their authority over minimum parking requirements in the future, I recommend this as a substitute ordinance to the one recommended by the Planning Commission.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 172.05 (C) (4) TO PROVIDE CITY PLANNING STAFF THE AUTHORITY TO GRANT FURTHER REDUCTIONS TO THE MINIMUM REQUIRED PARKING FOR NON-RESIDENTIAL DEVELOPMENT

WHEREAS, the City Planning staff and the Planning Commission have recommended that the City Council consider eliminating the required minimum parking requirements for non-residential development; and

WHEREAS, the City Council has determined that City Planning staff should have the authority on a case-by-case basis following an analysis of the existing available public parking near the proposed commercial development to reduce the required minimum parking to an appropriate level.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 172.05 (C) (4) by repealing it in its entirety and enacting a replacement § 172.05 (C) (4) as shown below:

“§ 172.05 (C) (4) *Further administrative reductions/increases.*

(a) The City Planning Director may grant further reductions to the minimum parking requirements for non-residential developments otherwise required by this section after analyzing;

(i) the availability of public parking near the proposed development;

(ii) potential adverse effects on such public parking and neighboring businesses, offices and residences of reducing or eliminating minimum parking requirements for such non-residential development;

(iii) and any other relevant considerations.

(b) Reductions or increases of parking requirements for residential developments and increases in the non-residential maximum parking limits in excess of those identified in this section shall be

allowed only as a Conditional Use upon the finding that the increase or reduction is needed and will not unduly cause an adverse effect upon persons operating, using or residing in any neighboring residential, commercial or office development.”

PASSED and APPROVED this 1st day of September, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: August 21, 2015

RE: Proposed elimination of all minimum parking requirements for
new commercial and office buildings

I must caution you about the proposed elimination of all minimum parking requirements for all new commercial and office buildings. Act 1002 of 2015 entitled the "Private Property Protection Act" became effective in April 2, 2015. Its "Legislative findings" state that "(w)hen state and local regulatory program reduce the market value of private property . . . it is fair and appropriate that the . . . locality compensate the property owner for the loss in market value of the property caused by the implementation of the regulatory program."

Pursuant to the new A.C.A. § 18-15-1703 **Taking-Application** (a)(3) "To assert a taking has occurred, the regulatory program must have been implemented at the time the owner acquired title or **after the effective date of this subchapter (April 2, 2015)**, whichever is later." (emphasis added).

This provides the City of Fayetteville some protection for regulatory programs already in existence **BEFORE** April 2, 2015. However, all amendments of existing zoning or development ordinances after April 2,

2015 could endanger their viability and present a Takings Claim if a reasonable argument could be made that such regulation could cause a 20% or more reduction in the fair market value of the property regulated.

Minimum parking requirements for both residential and nonresidential developments have long been implemented in Fayetteville (and most other similarly sized cities) in order that new development would pay its own way and would not unduly inflict parking problems on nearby existing commercial, office and residential developments. Without minimum parking requirements, an office building or commercial business could develop its project in an established neighborhood and thrust all of its employees' and customers' parking needs upon available street parking that had accommodated the parking needs of the existing homes, business and offices, but now will be overloaded by the newly created parking needs of the new developments.

Especially in the Walker Park Master Plan Zoning District and other neighborhood rezonings utilizing mixed use zoning, land now being used as low density residential could be developed as restaurants, grocery and hardware stores, sporting goods, pet shops, bail bond offices and many other types of offices. A businessman could save a lot of money by only building his new restaurant, commercial store or office and furnishing no parking lot. Unfortunately, this could have a very bad effect on the surrounding neighborhood as customers and employees are then forced to park on the neighborhood streets taking the parking spaces the neighborhood had been relying upon for its own parking needs.

There are situations where a new business builds in an area in which no additional parking is needed or should be required. This would often be the case in the Entertainment Parking District. Therefore, Planning staff should be granted the authority to reduce current minimum parking requirements (even down to zero) if the situation calls for such reduction. The planners would look at the currently available public parking and determine whether a new business would overwhelm or simply use parking spaces not well utilized now. The key consideration would be to ensure a new influx of commercial workers and customers would not

unduly burden existing public parking resources nor adversely affect the parking needs of the surrounding homes and business.

Granting such authority to Planning staff would require individualized analysis of each request for reduced minimum parking, but it should ensure the proposed relaxed minimum parking regulations will not cause major neighborhood problems. If major neighborhood issues arise from businesses not being required to construct sufficient minimum parking for their employees and customers, the City Council could repeal the increased authority to reduce minimum parking without triggering a takings claim pursuant to A.C.A. § 18-15-1703.

However, if the City Council instead **repeals** the minimum parking requirements and later determines this experiment of no required parking is causing problems for existing neighborhoods, it would be dangerous to reinstate the minimum parking requirements. Minimum commercial parking requirements now require construction of parking lots often utilizing more than 20% of a proposed business's property. 20% is the level which kicks in a takings claim under the **Private Property Protection Act** meaning that **reenactment of minimum commercial parking requirements could force our taxpayers to pay a commercial developer to build his private parking lot.**

CONCLUSION

You can accomplish the Planning Department's goal of eliminating a commercial developer's requirement pursuant to the UDC to build more parking for his employees and customers than actually needed by empowering Planning staff to reduce such minimum parking requirement to what would reasonably be needed in the particular situation all the way down to zero in an appropriate situation and location. By requiring Planning staff's review of the current parking situation and needs of the neighborhood where the commercial or office developer is proposing a new business to justify reduction of minimum parking requirements, obvious ill effects on the surrounding neighborhood of not providing any parking should be avoided.

Even more importantly, the City Council will not tie its own hands and the hands of any future City Council to require minimum parking for new commercial developments if this experiment of no required parking causes unforeseen problems in the real world. On the other hand, **if you repeal minimum required parking now, you probably will never again be able to institute required parking.** Once the City Council closes the door on required minimum parking for new businesses, it may be locked forever by the **Private Property Protection Act.** Who is so all-knowing and wise to be certain that Fayetteville will never again need minimum parking requirements for offices, restaurants and other commercial buildings?

Attached is a possible ordinance that would authorize the City Planning Director to grant variances to the minimum parking requirements for non-residential developments. This would be a simple administrative variance procedure that does not require presentation to the Planning Commission to be granted. Nor does it require an "undue hardship" to be proven by the new business, but only a short review by Planning of the parking needs and resources in the neighborhood that could be affected adversely if no minimum parking is required of a new business. In order for this City Council and future City Councils to maintain their authority over minimum parking requirements in the future, I recommend this as a substitute ordinance to the one recommended by Planning.

TO: Mayor Jordan
City Council

COPY: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director

DATE: September 22, 2015

SUBJECT: 2015-0372 (ADM 15-5088 Parking Standards) – Revised Ordinance

Attached is a revised ordinance for your consideration related to the current parking standards ordinance amendments. Staff has reviewed both the City Attorney's recommended language and our own draft, and has created what we believe to be an ordinance that meets the original intent to relieve applicants of the requirement to provide parking when it is not needed, but also maintains the Council's ability to revisit those requirements should the ordinance not fulfill its original goals or creates an unanticipated issue in the future. While it is unknown whether a parking requirement approaches the threshold level of 20% of a property's value for the Private Property Protection Act to apply, we do understand the scope of removing all parking requirements for non-residential properties is large, and do not want to place future City Councils in a difficult position if forced to revisit this proposal.

In the draft before you (Exhibit "A"), the required number of spaces for both residential and non-residential stays as it is, to refer to the Parking Ratio "Table 3." We propose to remove the several different references to parking waivers found in areas of the downtown for changes of use, existing structures, building footprint and accessory outdoor areas, in favor of a more comprehensive reduction that can be applied city-wide. Maximum parking requirements are proposed to remain, albeit with several ways to increase those maximum numbers where needed. For parking reductions, there are several methods to achieve reduced off-street parking for both residential and non-residential uses: proximity to transit stops, additional motorcycle, scooter and bicycle parking, proximity to on-street parking spaces and utilizing shared parking between non-competing or mixed uses. We also propose to allow further reductions, without limit, for non-residential developments after analyzing the availability of other parking, need associated with the development, any potential adverse impacts to surrounding neighborhoods or properties, proximity to alternative transportation, and any other relevant considerations. This reduction can be made administratively by the Planning Division, without seeking a variance from the Planning Commission. Increases or reductions in excess of what is permitted in the chapter can also be considered as a variance by the Planning Commission.

With the proposed changes herein, staff recommends Exhibit "A" be included with the ordinance amendment, finding it will meet the original intent and maintain adequate legal protection for the City in the future.

172.05 Standards for the Number of Spaces by Use

(A) *Required parking.*

(1) *Required number of spaces.* A proposed use shall conform to the established automobile parking ratios listed in Table 3. The minimum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards. For all parking space requirements resulting in a fraction, the fraction shall be:

- (a) rounded to the next higher whole number when the fraction is 0.5 or higher.
- (b) rounded to the next lower whole number when the fraction is less than 0.5.

**TABLE 3
PARKING RATIOS
(Use/Required Spaces)**

Residential	
Single-family, duplex, triplex	2 per dwelling unit
Multi-family or townhouse	1 per bedroom

Commercial	
Agricultural supply	1 per 500 sq. ft. of GFA
Amusement	1 per 200 sq. ft. of GFA
Auditorium	1 per 4 seats
Auto/motorcycle service stations	4 per each enclosed service bay
Bank	1 per 200 sq. ft. of GFA
Barber or beauty shop	2 per chair
Building/home improvement supply	1 per 500 sq. ft. of GFA
Coin-operated laundry	1 per 3 machines
Dry cleaning	1 per 300 sq. ft. of retail area and 1 per employee
Hotels and motels	1 per guest room, plus 75% of spaces required for accessory uses.
Furniture and carpet store	1 per 500 sq. ft. of GFA
Plant nursery	1 per 1,000 sq. ft of indoor/outdoor retail area
Restaurants	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.
Retail	1 per 250 sq. ft. of GFA
Retail fuel sales with convenience stores	1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces.
Retail fuel sales only	1 per employee. Owner may count spaces at pump islands as parking spaces.

Office	
Medical/Dental office	1 per 250 sq. ft. of GFA
Professional office	1 per 300 sq. ft. of GFA
Sales office	1 per 200 sq. ft. of GFA

Public and Institutional Uses Nonprofit Commercial	
Art gallery, library, museum	1 per 1,000 sq. ft. of GFA
Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Child care center, nursery school	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated
Church/religious institution	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces
College auditorium	1 per 4 seats
College dormitory	1 per sleeping room
College or university	1 per 500 sq. ft. of classroom area
Community center	1 per 250 sq. ft. of GFA
Cooperative housing	1 per 2 occupants
Convalescent home, assisted living, nursing home	1 per 2 beds
Detention home	1 per 1,500 sq. ft. of GFA
Elderly Housing	1 per 2 units
Funeral homes	1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
School--elementary and junior high	1 per employee plus 1 space per classroom
School--senior high	1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater
Zoo	1 per 2,000 sq. ft. of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants

Manufacturing/Industrial	
Manufacturing	1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater
Heavy industrial	1 per 1,200 sq. ft. of GFA

Extractive uses	Adequate for all employees, trucks, and equipment
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Recreational Uses

Amusement park, miniature golf	1 per 1,000 sq. ft. of site area
Bowling alley	6 per lane
Commercial recreation	1 per 200 sq. ft. of GFA
Commercial recreation-large sites	1 per 1,000 sq. ft. of site area
Dance hall, bar or tavern	1 per 50 sq. ft. of GFA, excluding kitchen
Golf course	3 per hole
Golf driving range	1 per tee box
Health club, gym	1 per 150 sq. ft. of GFA
Regional or community park	2 per acre of accessible active and passive space
Neighborhood park	None
Private club or lodge	1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater
Riding stable	1 per acre; not required to be paved
Tennis court	2 per court
Theater	1 per 4 seats
All other recreational uses	1 per 4 occupants

Warehousing and Wholesale

Warehousing	1 per 2,000 sq. ft. of GFA
Wholesale	1 per 1,000 sq. ft. of GFA
Center for collecting recycled materials	1 per 1,000 sq. ft. of GFA

(2) *Motorcycle and scooter parking.* In parking lots containing 25 or more parking spaces, one (1) motorcycle/scooter space shall be provided for every 25 regular parking spaces that are provided.

(3) *Accessible Parking.* Parking designated for persons with disabilities shall be provided in accordance with this chapter, or as required by the Americans with Disabilities Act, whichever is more restrictive.

(B) *Modifications to required parking number.* The required parking standards for the number of spaces by use found in Table 3 may be modified under the following criteria:

(1) *Increases.*

(a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.

(b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative

stormwater treatment techniques are utilized, such as:

(i) Bioswales

(ii) Constructed wetlands

(iii) Pervious pavement

(iv) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer

(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

(2) *Reductions.*

(a) *Transit stops.* Developments may reduce the number of off-street parking spaces by up to 15% below the parking ratios listed in Table 3 when located within a quarter (0.25) mile radius of a transit stop.

(b) *Motorcycle and scooter spaces.* Developments may reduce the number of off-street parking spaces by an additional 10% when substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.

(c) *Bike racks.* Developments may reduce the number of off-street parking spaces by an additional 10% when substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space.

(d) *Shared parking.* Parking requirements may be shared between developments where it can be determined that the peak parking demand of the existing or proposed occupancy occurs at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Division.

(i) *Shared parking between developments.*

Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

Exhibit "A"

- (ii) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the Planning Division for consideration.
 - (iii) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be accounted for more than one user at the same time.
- (e) *Further administrative reductions.* The City Planning Division may grant further reductions to the parking requirements for non-residential developments otherwise required by this section after analyzing:
- (i) The availability of public and/or shared private parking near the proposed development;
 - (iii) Potential adverse impacts on nearby public parking and neighboring businesses, offices and residences of reducing or eliminating minimum parking requirements for such non-residential development;
 - (iv) Proximity to alternative transportation including public transit, multi-use trails, a complete and connected sidewalk network, etc.;
 - (iv) and any other relevant considerations.

- (C) *On-street parking.* Permitted on-street parking spaces adjacent to a project frontage that are not dedicated for a specific use may count toward the parking requirements for all development, subject to approval by the Planning Division. Each on-street parking space provided may count toward the total required parking spaces for the development.
- (D) *Off-street parking.* All other parking spaces required herein shall be provided by the applicant as off-street parking.

(Ord. 4567, 05-04-04; Ord. 4930, 10-03-06; Ord. 5118, 3-18-08; Ord. 5297, 12-15-09; Ord. 5435, 8-16-11)

Particular consideration should be given to redevelopments where there is an adaptive reuse of an existing structure, preservation of historic structures, accessory outdoor uses, Low Impact Development techniques utilized or replacement of the footprint of an existing structure.

- (f) *Variance.* Increases or reductions of parking requirements for residential developments and increases in the non-residential maximum parking limits in excess of those identified in this section shall be allowed only as a variance by the Planning Commission upon the finding that the increase or reduction is needed and will not unduly cause an adverse effect upon persons operating, using or residing in any neighboring residential, commercial or office development.