

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, March 16, 2004

**TITLE: REQUEST TO SET A PUBLIC HEARING: Land Use Ordinance
Text Amendments that Modify Downtown Parking Requirements**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Article XVIII of the Land Use Ordinance C. TAB – December 4, 2003 Minutes and Planning Board Recommendation D. Draft Ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Dale McKeel – 918-7328 Mike Brough – 929-3905

PURPOSE

On October 11, 2003, the Board of Aldermen directed staff to prepare Land Use Ordinance text amendments related to downtown parking. A draft ordinance has been prepared. Should the Board wish to proceed with public consideration of these proposed amendments, the Administration recommends that a public hearing be set and that the draft ordinance be forwarded to pertinent advisory boards and Orange County for review.

INFORMATION

On February 18, 2003, the Board of Aldermen reviewed a follow-up report on the Parking Task Force Report and requested that Town staff develop six amendments to the Land Use Ordinance related to downtown parking. Due to the review schedules for several complex projects, staff was only able to begin the amendment preparation process in the early fall and determined that some additional clarification was needed from the Board of Aldermen. In October, staff prepared a report and requested that the Board of Aldermen review this analysis, determine whether text amendments should be prepared, and, if so, the priority order for the amendments. On October 14, 2003, the Board directed staff to:

1. Draft a text amendment based on the “SmartCode” parking requirements;
2. Consult with the Transportation Advisory Board and the Planning Board on the payment-in-lieu based on the cost of supplying parking not provided by the developer.
3. Prepare a text amendment based on the language contained in the Durham Zoning Ordinance for the layout of parking lots.
4. Draft a text amendment for establishing a maximum lot area devoted to parking;
5. Draft a text amendment to remove the requirement to pave lots;
6. Refer all the text amendments to advisory boards for review and consideration.

Both the Transportation Advisory Board (TAB) and the Planning Board supported further consideration of a payment-in-lieu option. Minutes of the TAB's December 4, 2003 meeting and a Planning Board recommendation that evening are attached (*Attachment C*). A draft ordinance (*Attachment D*) that responds to items one through five has been prepared and is described in further detail in the following section. Staff has met with the Downtown Development Commission to review the draft ordinance. Staff further proposes that the draft ordinance be referred to the Transportation Advisory Board and Downtown Development Commission as part of the Board's action to set a hearing date for the receipt of public comment. It will also be necessary to refer the ordinance to the Planning Board and Orange County staff for review.

Draft Ordinance Provisions

1. Adds a provision to Section 15-291 (Number of Parking Spaces Required) making it subject to the new section that creates an opportunity for projects in the B-1(C), B-1(G), and B-2 zoning districts that are developed for commercial purposes to request that the permit issuing authority authorize the developer to forego the construction of parking spaces otherwise required by making a payment-in-lieu of constructing such spaces.
2. Provides two alternatives related to modifying the presumptive parking requirements. The first modifies the presumptive parking requirement for uses 1.300 through 3.250 and 8.100 through 8.600 when located in a building containing multiple tenants to one that is paced on the location of the use on the ground of other floors of the building. The second establishes a modified standard for uses in certain downtown zoning districts.
3. Establishes a new shared parking provision that specifies a reduction ratio for combination uses that have different peak usage periods.
4. Clarifies that parking is not allowed in specified districts within the required street right-of-way setback or within a setback created when a development is seeking to utilize the extra building height provided in the April 2003 amendments.
5. Establishes a payment-in-lieu option for the provision of parking for commercial activities in the B-1(c), B-1(g), and B-2 districts, subject to the permit-issuing authority.
6. Allows alternative parking dimensions and layout, so long as the plan is sealed by a registered engineer who has special expertise in the area of parking lot design and the plan is determined to provide sufficient parking without diminishing public safety.
7. Makes the provision that allows unpaved parking lots in the B-1(c) also apply in the B-1(g) and B-2 districts.
8. Provides two alternatives to limiting the amount of parking or the maximum area devoted to parking. The first establishes a limit on the maximum number of parking spaces that may be provided to 125 percent of the amount determined necessary by the permit-issuing authority. The second establishes that parking lot areas cannot exceed 50 percent of a lot's total area.

RECOMMENDATION

The Administration recommends that the Board adopt the resolution setting a public hearing and referring the draft ordinance to the Planning Board, the Transportation Advisory Board, the Downtown Development Commission, and Orange County (*Attachment A*).