

ORDINANCE NO. 163, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ADDRESS PARKING ISSUES
RELATED TO THE TRANSIT-ORIENTED DEVELOPMENT (TOD)
OVERLAY ZONE

WHEREAS, the Transit-Oriented Development (“TOD”) Overlay Zone historically had no minimum parking requirements and, in 2013, the Planning and Zoning Board (the “Board”) and the City Council expressed concerns about the lack of development-provided parking spaces in relation to the parking demand and the potential for spillover parking into adjacent neighborhoods; and

WHEREAS, City staff was instructed to address this parking problem temporarily by the presentation to the City Council for adoption of Ordinance No. 121, 2013, which imposed certain minimum parking requirements in the TOD Overlay Zone and which temporary parking ordinance, following its extension by Ordinance No. 107, 2014, expires in December 2014; and

WHEREAS, City staff has now conducted extensive public outreach and research on potential solutions to the problem of parking spillover while supporting the City’s goal of encouraging walkable and transit-oriented infill and redevelopment recognizing that even in the TOD Overlay Zone there will be motor vehicles both in usage and in storage; and

WHEREAS, the extensive public outreach, and presentation to the Board, the Board recommended that the Land Use Code be amended to establish minimum parking requirements that vary according to land use and to allow for alternative compliance solutions based upon a parking impact study, shared parking, or transportation demand management proposals; and

WHEREAS, the City Council has determined that the proposed changes to the Land Use Code are in the best interests of the City and should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 3.2.2 of the Land Use Code is hereby amended to read as follows:

3.2.2 Access, Circulation and Parking

...

(D) *Access and Parking Lot Requirements.* All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles and emergency vehicles).

...

(3) *Location.* Only off-street parking areas provided to serve uses permitted in a zone district predominated by residential uses will be allowed in such district.

(a) Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required unless:

1. such spaces are provided collectively by two (2) or more buildings or uses on abutting lots in a single parking area located within the boundaries of those abutting lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required by this subdivision for each use considered separately, or
2. an alternative location is approved by the Director provided that the Director must have determined that such location is permanent and provides close and easy access to users.

...

(G) *Shared Parking.* Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking. Retail, office, institutional and entertainment uses may share parking areas.

...

(K) *Parking Lots - Required Number of Off-Street Spaces for Type of Use.*

(1) *Residential and Institutional Parking Requirements.* Residential and institutional uses shall provide a *minimum* number of parking spaces as defined by the standards below.

(a) Attached Dwellings: For each two-family and multi-family dwelling there shall be parking spaces provided as indicated by the following table:

*Number of Bedrooms/Dwelling Unit Parking Spaces Per Dwelling Unit**

| | |
|----------------|------|
| One or less | 1.5 |
| Two | 1.75 |
| Three | 2.0 |
| Four and above | 3.0 |

* Spaces that are located in detached residential garages (but not including parking structures) or in attached

residential garages, which attached garages do not provide direct entry into an individual dwelling unit, may be credited toward the minimum requirements contained herein only if such spaces are made available to dwelling unit occupants at no additional rental or purchase cost (beyond the dwelling unit rental rate or purchase price).

1. Multi-family dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone shall provide a minimum number of parking spaces as shown in the following table:

| <i>Number of Bedrooms/Dwelling Unit</i> | <i>Parking Spaces Per Dwelling Unit *</i> |
|---|---|
| One or less | 0.75 |
| Two | 1 |
| Three | 1.25 |
| Four and above | 1.5 |
| <i>Rent-by-the Bedroom</i> | <i>Parking Spaces Per Bedroom</i> |
| All bedrooms | 0.75 |
| *Maximum of 115% of minimum requirement unless provided in a structure. | |

- a. Multi-family dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone may reduce the required minimum number of parking spaces by providing demand mitigation elements as shown in the following table:

| <i>Demand Mitigation Strategy**</i> | <i>Parking Requirement Reduction***</i> |
|---|--|
| Affordable Housing Dwelling Unit for Sale or for Rent (equal to or less than 60% Area Median Income) | 60% |
| Transit Passes for each tenant | 10% |
| Car Share | 5 spaces/1 car share |
| Within 1,000 feet walking distance of MAX Station. (Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station and contained within a public ROW or pedestrian easement.) | 10% |
| Bicycle & Pedestrian Level of Service A | 10% |
| Off-Site Parking | 1:1 |
| Shared Parking | Based on Approved Alternative Compliance |
| Parking Impact Study | Based on Approved Alternative Compliance |
| Transportation Demand Management (TDM) | Based on Approved Alternative Compliance |
| **All demand mitigation strategies shall be shown on the site plan and in the Development Agreement and shall be subject to audit for the duration of the project. | |
| *** Maximum of 50% reduction without provision of a Parking Impact Study or Transportation Demand Management. | |

2. Alternative Compliance. Upon written request by the applicant, the decision maker may approve an alternative parking ratio, other than the minimum required in the TOD Overlay Zone per subparagraph 3.2.2(K)(1)(a)(1), that may be substituted in whole or in part for a ratio meeting the standards of this Section.

- a. Procedure. Alternative compliance parking ratio plans shall be prepared and submitted in accordance with the submittal requirements for plans as set

forth in this Section. The request for alternative compliance must be accompanied by a Parking Impact Study, Transportation Demand Management proposal, or Shared Parking Study which addresses issues identified in the City's submittal requirements for such studies.

- b. **Review Criteria.** To approve an alternative plan, the decision maker must first find that the proposed alternative plan accomplishes the purposes of this Section and the TOD Overlay Zone (3.10) equally well or better than would a plan which complies with the standards of these Sections. In reviewing the request for an alternative parking ratio plan in order to determine whether it accomplishes the purposes of this Section, the decision maker shall take into account the objective and verifiable results of the Parking Impact Study, Transportation Demand Management proposal, or Shared Parking Study together with the proposed plan's compatibility with surrounding neighborhoods in terms of potential spillover parking.

(2) *Nonresidential Parking Requirements:* Nonresidential uses shall provide a **minimum** number of parking spaces, and will be limited to a **maximum** number of parking spaces as defined by the standards defined below.

- (a) The table below sets forth the number of minimum required and maximum allowed parking spaces based on the square footage of the gross leasable area and of the occupancy of specified uses. In the event that on-street or shared parking is not available on land adjacent to the use, then the maximum parking allowed may be increased by twenty (20) percent.

| <i>Use</i> | <i>Minimum Parking Spaces</i> | <i>Maximum Parking Spaces</i> |
|--|----------------------------------|------------------------------------|
| Restaurants a. Fast Food b. Standard | 7/1000 sq. ft. 5/1000 sq. ft. | 15/1000 sq. ft. 10/1000 sq. ft. |
| Bars, Taverns, and Nightclubs | 5/1000 sq. ft. | 10/1000 sq. ft. |

| | | |
|---|---|--|
| Commercial Recreational a. Limited Indoor Recreation b. Outdoor c. Bowling Alley | 3/1000 sq. ft. .1/person cap 2.5/1000 sq. ft. | 6/1000 sq. ft. .3/person cap 5/1000 sq. ft. |
| Theaters | 1/6 seats | 1/3 seats |
| General Retail | 2/1000 sq. ft. | 4/1000 sq. ft. |
| Personal Business and Service Shop | 2/1000 sq. ft. | 4/1000 sq. ft. |
| Shopping Center | 2/1000 sq. ft. | 5/1000 sq. ft. |
| Medical Office | 2/1000 sq. ft. | 4.5/1000 sq. ft. |
| Financial Services | 2/1000 sq. ft. | 3.5/1000 sq. ft. |
| Grocery Store, Supermarket | 3/1000 sq. ft. | 6/1000 sq. ft. |
| General Office | 1/1000 sq. ft. | 3/1000 sq. ft. or .75/employee on the largest shift or 4.5/1000 sq. ft. if all additional parking spaces gained by the increased ratio (over 3/1000 sq. ft.) are contained within a parking garage/structure |
| Vehicle Servicing & Maintenance | 2/1000 sq. ft. | 5/1000 sq. ft. |
| Low Intensity Retail, Repair Service, Workshop and Custom Small Industry | 1/1000 sq. ft. | 2/1000 sq. ft. |
| Lodging Establishments | 0.5/unit | 1/unit |
| Health Facilities a. Hospitals b. Long-Term Care Facilities | 0.5/bed | 1/bed .33/bed plus 1/two employees on major shift |
| Industrial: Employee Parking | 0.5/employee | .75/employee |

- (b) *Existing Buildings Exemption:* Change in use of an existing building shall be exempt from minimum parking requirements. For the expansion or enlargement of an existing building which does not result in the material increase of the building by more than twenty-five (25) percent, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. For the redevelopment of a property which includes the demolition of existing buildings, the minimum parking requirement shall be applied to the net increase in the square footage of new buildings.¹
- (c) *TOD Overlay Zone Exemption:* If new development is proposed within the Transit-Oriented Development (TOD) Overlay zone, twenty-five (25) percent of the square footage of gross leaseable area of such new development, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. The exemption shall be distributed proportionally among the uses contained in a mixed-use development.
- (d) For uses that are not specifically listed in subsections 3.2.2(K)(1) or (2), the number of parking spaces permitted shall be the number permitted for the most similar use listed.
- (e) For non-residential uses within the Transit-Oriented Development (TOD) Overlay Zone the required minimum number of parking spaces may be reduced by providing demand mitigation strategies as shown in the following table:

| <i>Demand Mitigation Strategy**</i> | <i>Parking Requirement Reduction</i> |
|---|--------------------------------------|
| Transit Passes for every employee within the development | 10% |
| Car Share | 5 spaces/1 car share |
| Within 1,000 feet walking distance of MAX Station. (Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station and contained within a public ROW or pedestrian easement.) | 10% |
| Off-Site Parking | 1:1 |
| Bicycle & Pedestrian Level of Service A | 10% |

| | |
|--|--|
| Shared Parking | Based on approved alternative compliance |
| Parking Impact Study | Based on approved alternative compliance |
| Transportation Demand Management (TDM) | Based on approved alternative compliance |
| **All demand mitigation strategies shall be shown on the site plan and in the Development Agreement and shall be subject to audit for the duration of the project. | |

(3) *Alternative Compliance.* Upon written request by the applicant, the decision maker may approve an alternative parking ratio (as measured by the number of parking spaces based on the applicable unit of measurement established in the table contained in Section 3.2.2(K)(2)(a) for nonresidential land uses or the number of parking spaces based on use for recreational and institutional land uses) that may be substituted in whole or in part for a ratio meeting the standards of this Section.

(a) *Procedure.* Alternative compliance parking ratio plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section. The request for alternative compliance must be accompanied by a Parking Impact Study, Transportation Demand Management analysis, or Shared Parking Study which addresses issues identified in the City's submittal requirements for such studies.

Section 2. That Section 3.5.1(J) of the Land Use Code is hereby amended to read as follows:

3.5.1 Building and Project Compatibility

(J) *Operational/Physical Compatibility Standards.* Conditions may be imposed upon the approval of development applications to ensure that new development will be compatible with existing neighborhoods and uses. Such conditions may include, but need not be limited to, restrictions on or requirements for:

- (1) hours of operation and deliveries;
- (2) location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
- (3) placement of trash receptacles;
- (4) location of loading and delivery zones;
- (5) light intensity and hours of full illumination;
- (6) placement and illumination of outdoor vending machines;
- (7) location and number of off-street parking spaces.

Section 3. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "*Transportation Demand Management*" which reads in its entirety as follows:

Transportation Demand Management shall mean a comprehensive program utilizing strategies to be implemented that result in more efficient use of transportation and parking resources. These strategies typically include, but are not limited to, transit subsidies, enhanced bicycle facilities, car/vanpool options, and shared parking.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, 2014, and to be presented for final passage on the 18th day of November, A.D. 2014.



Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on this 18th day of November, A.D. 2014.

Karen Weikert
Mayor

ATTEST:

Wanda Nelson
City Clerk

