

Sec. 30-147. - Requirements for the central business district.

- (a) *Development and redevelopment.* All new developments and significant redevelopments that result in a change of use or increase in square footage of an existing use shall be subject to these requirements.
- (b) *General standards.* In order to preserve the historic, compact, pedestrian-oriented character of the present downtown to the extent possible, the city recognizes that designated public on-street parking and public and private off-street lots or structures may need to be utilized to meet the general standards. New developments or significant redevelopments in the central business district (the CBD) may decrease the parking spaces required by section 30-146 of this article by up to 50 percent of the requirements, with the exception of residential uses. All residential uses in the central business district shall be subject to providing off-street parking spaces under the ownership of the applicant required by section 30-146
- (c) *Available shared parking.*
- (1) A development approved under this section can take advantage of the different peak parking periods of the respective uses in the CBD and share the public parking available to all uses in the CBD in order to meet in part the required parking established by this section.
- (2) Definitions.
- Available shared parking* shall mean the parking then available to be shared by different uses in the CBD to support the base level of development.
- Base level of development* shall mean the base level of anticipated future private development in the central business district as of December 2008, or as amended by the city council due to future changes in development planning.
- Base level of parking* shall mean the total number of public on- and off-street parking spaces as established by the city council in the downtown master plan update (the CBD update) dated March of 2007, as amended December 2008, and as it may be amended in the future.
- (d) An applicant proposing new development or redevelopment in the central business district, which is consistent with the base development described in the CBD update, but which does not meet off-street parking requirements may apply to utilize a proportionate share of available shared parking.
- (1) The applicant shall provide the city with a shared parking analysis pursuant to standards developed by the planning director (the "shared parking analysis"). The standards may be revised from time to time to meet changing conditions. Such analysis shall be completed by a professional engineer or registered landscape architect and provide detailed information comparing the amount and location of the then available on-street and off-street parking with the base level of parking to determine the available shared parking. In order to qualify for the use of available shared parking, the applicant must provide in its analysis reasons why the required parking cannot be accommodated on site, including how the request meets the city's policy objectives set forth in subsection (b) above. The shared parking analysis shall include all uses and square footage of building(s) as proposed by the applicant as well as compared to the base development contained in the CBD update. Furthermore, the maximum allowable walking distance for parking to qualify as available shared parking in the shared parking analysis shall be 500 feet measured from the principal entrance of the proposed development or redevelopment.
- (2) Upon submittal of the shared parking analysis, city staff shall review the analysis to determine the level of available shared parking which can be utilized by the applicant. If the shared parking analysis demonstrates that additional parking is needed to meet required parking, or the proposed development exceeds the base level of development described in the CBD update, all required parking must be provided by the applicant on site, unless the applicant meets the standards for a conditional use permit as required by subsection (e) of this section.

- (e) *Conditional use permit required.* The city council may approve new development or redevelopment in the central business district not meeting the requirements of the general standards of this section or exceeding the base level of development described in the CBD update, provided that:
- (1) The applicant shall be required to pay the value of the shortage in available shared parking by payment into the parking fund, or the city may allow the value of the shortage in available shared parking to be satisfied by alternative compliance.
    - a. *Parking fund.* The applicant executes a development agreement with the city (which may be recorded at the option of the city) in which it is agreed that the applicant and its successors in interest shall pay into a fund maintained by the city the monetary value of the applicant's proportionate share of the shortage in available shared parking spaces created by the development initially or by a subsequent increase in intensity of use. The per-space value shall be computed based on the city's determination of land cost and per-space construction costs for the specific property requesting the conditional use permit. The city council in its reasonable discretion may select another method of computation of the per-space value, including, but not limited to, an annual determination of land value and parking space construction costs in the CBD. Such fund shall be utilized by the city to develop additional on- and off-street parking which can be used as available shared parking. The proportionate share responsibility shall be determined on the basis of the development property's parking space shortage based upon ordinance requirements, in relationship to the total available shared parking shortage.
    - b. *Alternative compliance.* The city may consider alternative forms of compliance which serve a public purpose or otherwise further the city's public interests. Such compliance may include, but not be limited to, dedication of land and/or construction of public facilities not otherwise required by this Code to be constructed or dedicated by the applicant, transfer of development rights or other action where the value of the alternative can be reasonably measured by the city. The value of the alternative form of compliance shall be measured by the city and the dollar value of the alternative form of compliance credited against the developer's proportionate share of the shortage in available shared parking spaces. The value of the alternative form of compliance shall be accounted for in the parking fund.
  - (2) The amount of parking provided on the property in question is the maximum amount possible, taking into account the use and design objectives of the downtown master plan.
  - (3) The parking shortages created by the development are not premature or in excess of the supply of available shared parking which can be provided by the city through a public on-street and off-street parking system on a long-term basis as determined by the city.
  - (4) If the applicant cannot qualify for the conditional use permit authorized by this section and must provide all required on-site parking, the city shall have no responsibility to provide additional off-street or on-street parking to address any available shared parking deficiency or the failure of any applicant to meet the parking requirements of this section.
- (f) *Contract required.* The applicant may satisfy any portion of its parking requirement through a long-term contract between the applicant and the property owner of any privately owned off-street parking facility. The facility proposed to be utilized shall be analyzed in the shared parking analysis required by this section. The contract shall be subject to review and approval by the city, and shall not result in the lowering of the required parking for the property owner providing the off-street parking, or any other property owner using such off-street parking to satisfy its parking requirements. If approved, the contract must be continuously maintained in order for the property to remain in compliance with this section. If such parking is reduced or terminated, the property owner shall be required to replace the lost parking with another contract, replace the lost parking on site or qualify for the required conditional use permit authorized by this section.

(Ord. No. 345, 3-8-07; Ord. No. 368, 9-14-09)