

## **ORDINANCE NUMBER 2012-**

### **AN ORDINANCE TO CREATE COMPREHENSIVE OFF-STREET PARKING REGULATIONS UNDER THE AUTHORITY OF THIS MUNICIPALITY'S POWERS TO PLAN AND ZONE, WITHIN THE CITY LIMITS OF HEBER SPRINGS, AND FOR OTHER PURPOSES.**

WHEREAS, the regulation of off-street parking within the Heber Springs Municipal Planning and Zoning Code is vital to carrying out or protecting the provisions of the City's Comprehensive Plan; and

WHEREAS, the Mayor and the city's Planning and Zoning Advisory Board has made a thorough study of the city's needs with regard to the regulation of off-street parking, has prepared and recommended regulations to the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission, after holding a public hearing in accordance with Arkansas law, has recommended the regulations set forth herein to the City Council.

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

#### **Section 1: General Requirements**

(1) Off-street parking in conjunction with all land and building uses established after the enactment of this Ordinance shall be provided prior to the issuance of a certificate of occupancy as herein prescribed.

(a) Off-street parking for other than residential use shall be either on the same lot or within 200 feet of the building it is intended to serve, except for those cases where parking plans have been developed for a specific area.

(b) Residential off-street parking space shall consist of a driveway or garage or a combination thereof, and shall be located on the lot they are intended to serve.

(c) In uses not specifically mentioned herein, off-street parking requirements shall be determined by the Planning and Zoning Commission.

(d) Any area or number of parking spaces once designated as required off-street parking shall not be reduced to less than the required number of spaces for a similar new building or new use, nor changed to any other use unless and until equal parking facilities are provided elsewhere which conform to the requirements of this Section.

(e) Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the

sum of the requirements for the several individual uses computed separately. If the uses, structures, or parcels are under separate ownership, a deed, lease, contract or other appropriate written document must evidence the right to joint use of the parking space.

(f) Minimum size for a parking space shall be 10 feet wide by 20 feet long.

(g) Handicapped parking spaces shall be designated and constructed in accordance with federal & state requirements as stipulated in the most current regulations.

## **Section 2: Number of parking spaces required**

The minimum number of off-street parking shall be determined in accordance with the following table:

<b>Use</b>	<b>Minimum Number of Spaces Required</b>
1. Single-Family Dwelling Unit Detached/Attached	2 per unit
2. Single-Family Dwelling Unit Detached/Attached with Accessory Dwelling Unit	3 total for combination of main unit and accessory dwelling unit
3. Two-Family Dwelling Units (Duplex)	2 per each dwelling unit
4. Townhome Dwelling Unit	2 per each dwelling unit
5. Bed and Breakfast	1 per guest room + 2 for residence
6. Hotel/Motel	1 per bedroom
7. Family Day Care Provider	2 per facility (In addition to existing req.)
8. Day Care Center	2 per facility + 1 per 20 children
9. Art Galleries and Studios	1 per 1,000 square feet
10. Professional Offices/Services	1 per 300 square feet
11. Indoor Recreation/Cultural	1 per 300 square feet
12. Primary/Junior High Schools	1 per classroom + 1 per 50 students
13. High Schools	1 per classroom + 1 per 10 students
14. Retail Stores	1 per 300 square feet
15. Gasoline Service Stations (without retail stores)	5 + 1 per service bay
16. Restaurants	1 per 75 square feet in dining or lounge areas
17. Manufacturing Uses	1 per 1,000 square feet
18. Warehousing	1 per 2,500 square feet

### **Section 3: Flexibility in administration required**

(a) The Planning & Zoning Commission recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Section 2 (Table of Parking Requirements) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, the Planning & Zoning Commission at the request of the developer may deviate from the requirements of Section 2 (Table of Parking Requirements) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the neighborhood land use issues.

(b) Without limiting the generality of the foregoing, the Planning & Zoning Commission may allow deviations from the parking requirements set forth in Section 2 (Table of Parking Requirements) when it finds that:

(1) A residential development is irrevocably oriented toward the elderly or other demographic group that, due to the driving characteristics of the group, requires fewer or more parking stalls than the general populace; or,

(2) A sole business (not part of a larger mall) is primarily oriented to walk-in trade.

(c) Whenever the Planning & Zoning Commission allows a deviation from the presumptive parking requirements set forth in Section 2 (Table of Parking Requirements), it shall enter on the face of the permit the actual parking requirement that the development is required to meet and the reasons for allowing the deviation.

(d) If the Planning & Zoning Commission concludes, based upon information it receives in the consideration of a specific development proposal, that the standards established by Section 2 (Table of Parking Requirements) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with amendment procedures established elsewhere in the code.

### **Section 4: Parking space dimensions**

(a) Subject to Sections (b) and (c), and except accessible parking spaces as per Section 8 (Accessible Parking Spaces) each parking space shall contain a rectangular area at least twenty feet long and ten feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

(b) In parking areas containing ten or more parking spaces, up to twenty percent of the parking spaces may contain a rectangular area of only eight feet in width by fifteen feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(c) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two feet long by nine feet wide.

#### **Section 5: Required widths of parking area aisles and driveways**

(a) Parking area aisle widths shall conform to Table 20.72-2, Parking Aisle Widths, which varies the width requirement according to the angle of parking.

(b) Driveways shall be not less than ten feet in width for one-way traffic and twenty feet in width for two-way traffic, except that ten-foot-wide driveways are permissible for two-way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than six spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street.

Table 20.72-2 Parking Aisle Widths

Parking Angle	Aisle Width				
	0°	30°	45°	60°	90°
One-Way Traffic	10	11'	13'	18'	24'
Two-Way Traffic	22'	22'	22'	22'	24'

#### **Section 6: General design requirements**

(a) Unless no other practicable alternative is available, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

(b) Parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(c) Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction. However, in order to reduce total impervious surfaces parking spaces may be designed so that vehicles overhang perimeter landscape areas, and the

overhang, though landscaped, may count toward the parking space dimension required by Section 4 (Parking Space Dimensions) except that that portion of the landscaped area may not count toward the landscape or screening requirements referenced elsewhere in the Landscaping Requirements. Such landscaped area shall be planted with appropriate materials such that vehicles do not cause damage to the landscaping, nor vice-versa.

(d) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

## **Section 7: Parking area surfaces**

(a) All required parking areas shall be graded and surfaced with asphalt, concrete or other impervious material. The pavement thickness shall be adequate for the site subsurface condition and be capable of withstanding the expected vehicle loads that it may experience at the site.

(b) Commercial parking spaces shall be appropriately demarcated with painted lines or other markings when required.

(c) Parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

## **Section 8: Accessible parking spaces**

(a) Handicap Standards: All handicapped parking spaces must meet current regulations contained in the federal register and shall be designed in accordance with the following standards: American National Standard Institute, Inc. Standards for Making Buildings and Facilities Accessible To and Useable By Physically Handicapped People (ANSI A117.1-1980) and Parking Consultants Council, National Parking Association, Recommended Standards for Designing Parking Facilities for Physically Handicapped People (1988).

(b) Number: The number of handicapped parking spaces to be provided in any lot or facility shall be according to the current state standard. Accessible parking spaces shall not be required in mechanical or valet/attendant park facilities except that a minimum of one accessible space shall be provided to allow the owner/driver of a vehicle with special hand or other controls to park the vehicle. The designation of handicapped parking stalls shall constitute consent by the property owner to the enforcement of the restriction of such spaces to handicapped users by the city.

(c) Size: Parking spaces for disabled people shall be at least eight feet wide and shall have an adjacent access aisle at least five feet wide. A single space thirteen feet wide may also be provided. Parking access aisles when a part of the accessible route to the building or facility

entrance shall comply with Section 4.3 of ANSI A117.1-1980. Two adjacent accessible parking spaces may share a common access aisle only if a vehicle can reasonably back into a space to ensure that the access aisle is on the preferred side or if the space may be reasonably used by handicapped vans. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Specific conditions as established in state code may require modifications of these standards to ensure compliance.

(d) Signage: A sign displaying the symbol of accessibility, the restriction to use by permit-holders and the fine for violation shall be provided at each handicapped stall in accordance with state law.

### **Section 9: Joint use of required parking spaces**

(a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent vacant on weekends, another development that operates only on weekends could be credited with ninety percent of the spaces on that lot. Alternatively, if a church parking lot is generally occupied only to fifty percent of capacity on days other than Sunday, another development could make use of fifty percent of the church lot's spaces on those other days.

(c) The developer wishing to take advantage of the provisions of this section must present a contract as evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces. These documents shall be recorded with the City Clerk.

(d) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 10 (Satellite Parking) are also applicable.

### **Section 10: Satellite parking**

(a) If the number of off-street parking spaces required by this title cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the

provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within 1000 feet of a public entrance of a principal building housing the use associated with such parking, or within four hundred feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(c) The developer wishing to take advantage of the provisions of this section must present a contract as evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces. These documents shall be recorded with the City Clerk.

#### **Section 11: Tandem parking**

Tandem parking (Definition: where one vehicle is parked in front of another and effectively blocked from moving without first moving the other) is permissible for non-residential uses only where valet parking is provided. In the case where valet parking is provided and tandem parking approved, it shall be a continuing condition of the permit authorizing development on such lot that should the valet parking discontinues then the permit-holder is obligated to provide the parking required pursuant to this Ordinance.

#### **Section 12: Loading and unloading areas**

(a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Section 12 (Loading Area Requirements) indicates the number and size of spaces that will satisfy the standard set forth in this section. However, the Planning & Zoning Commission may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public

right-of-way or—unless properly managed (e.g., night deliveries only)—any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities unless the delivery operations are managed so as to preclude conflicts with automobiles (e.g., night deliveries only) or unless additional parking spaces beyond those required are provided and used as such temporarily.

(e) Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) such change in use does not require more parking spaces than the previous use, and (iv) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

Table 2: Loading Area Requirements (Minimum Requirements)

Gross Leasable Area of Building	Minimum Number of spaces*
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
Plus one (1) space for each additional 72,000 square feet or fraction thereof.	

\*Minimum dimensions of 12 feet wide x 65 feet long and overhead clearance of 14 feet from street grade required.

### **Section 13: Landscaping Requirements**

#### **Purpose**

(1) To create an aesthetically pleasing boundary between the Parking facility and the adjoining commercial development.



- (2) To provide information so that plant materials can be appropriately selected and properly used.
- (3) To promote and encourage development of an attractive, aesthetically pleasing environment.
- (4) To screen undesirable views and help define and organize parking facility.
- (5) To conserve energy by shading parking lots.
- (6) To promote business and industry by improving image and public acceptance.

## Definitions

(1) GROUND COVER shall mean a planting of low plants that cover ground and shall include but not be limited to those species listed below:

Creeping Juniper; Blue Rey; Blue Pacific; Audurra; Liriopie; Mondo Grass; Asiatic Jasmine

(2) LIST OF TREES or APPROVED LIST OF TREES shall include but not be limited to those species listed below:

Shumard Oak; Chinkga Pin Oak; Water Oak; Tulip Tree; Ginkgo; Ash Trees

(3) PLANT MATERIALS shall mean trees, shrubs, hedges, ground cover, lawn or any other similar living material.

(4) SCREEN TREES, SHADE TREES OR CANOPY TREES shall include those trees and shall include but not be limited to those species listed below:

Flowering Trees: Redbud Trees; Crepe Myrtles; Aristocrat Pear;  
Screening Plants: Eleagrus – Arborvitae; Large Hollies - Cleyera

(5) SHRUB shall mean a densely branched wood plant and shall include but not be limited to those species listed below:

Shrubs: Indian Hawthorne, Dwarf Yaupon Holly; Spireas; Nandinas; Daylilies; Crimson  
Pygmy Barberry; Knockout Roses; Compact Holly;  
Grasses: Muhly Grass; Fontane Grass; Muscathus

## Shading Requirements

Live landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations:

- (a) Parking lots of five (5) spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:

PARKING LOT LANDSCAPING COVERAGE	
5 - 24 SPACES	5.0 % MINIMUM
25 - 49 SPACES	7.5% MINIMUM
50+ SPACES	10.0% MINIMUM

(b) Parking lot landscaping shall include ground cover, shrubs and shade trees, from the approved list, placed so as to cover a percentage of the total parking area with tree canopies within fifteen (15) years of planting, as follows:

PARKING LOT SHADE COVERAGE	
5 - 24 SPACES	20 % MINIMUM
25 + SPACES	30 % MINIMUM

(2) Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years as estimated on the approved tree list or other authoritative source. Trees shall be a minimum fifteen (15) gallon size at planting. Total parking area, as used for landscaping and shading requirements, shall be measured between lines drawn five (5) feet outside of the paved areas used for parking and maneuvering area including access ways. Shading requirements can partially be met by perimeter trees insofar as such trees actually shade such total parking area.

### **Completion of Landscape Requirements**

Provisions of landscaping to meet the requirements of this chapter shall be deemed to have been satisfied if any one of the following exists:

(1) All of the required landscaping is installed in conformance with the requirements and standards; or a surety in any amount equal to the estimated cost of landscaping including materials and installation, is on file with the City Clerk/Treasurer which guarantees that the required landscaping shall be installed within one hundred twenty (120) days of issuance of a certificate of occupancy and an agreement is filed with the City Clerk/Treasurer to assure completion of the landscaping within such time. The surety may take the form of a letter of credit or bond which together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

### **Landscaping Plan Required**

A landscaping plan shall be submitted to the Planning and Zoning Commission for review and approval prior to the issuance of building permits. The plan shall be drawn to scale and include the landscaping information as follows:

(1) GENERAL - Property lines, easements, adjacent streets, buildings, parking spaces, irrigation system and lighting shall be shown.

(2) LIST OF PLANTING MATERIALS - The materials list shall include type, size, quantity and location of each tree, shrub, and ground cover.

(3) PARKING LOT SHADING - Trees used for parking lot shading shall be shown using the trees' 15-year crown diameter.

(4) LANDSCAPED AREAS AND PLANTERS - Planting material should be drawn as close to mature size as possible.

#### **Section 14: Enforcement and Remedies**

Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant to this Ordinance may be restrained, corrected or abated, as the case may be, by injunction, specific performance or other appropriate proceedings pursuant to state law. A violation of this Ordinance shall be considered a violation of the zoning regulations. The remedies of the city shall include the following:

1. Issuing a stop work order for any and all work on the same lot;
2. Seeking an injunction or other order of restraint, specific performance or abatement that requires the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the city under the zoning regulations;
4. Seeking in court the imposition of any penalties that can be imposed by such court under the zoning regulations; and
5. The city shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning regulations.
6. All such remedies provided in this section shall be cumulative to the extent that state law may limit the availability of a particular remedy set forth in this section for a certain violation or a part of this chapter; such remedy shall remain available for other violations or other parts of the same violation.

#### **Section 15: Penalties**

- a. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be fined not more than \$500.00 for each offense. Each day such violation continues shall be considered a separate offense.
- b. The owner and also, if applicable, the tenant of any building, structure or premises who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided in this section.
- c. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 16: Conflicts**

Any ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 17: Severability Clause**

That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Jackie McPherson, Mayor

Attest:

\_\_\_\_\_  
City Clerk