

## Exhibit 14A. Zoning Ordinance

### Part V. DEVELOPMENT STANDARDS

#### § 33. OFF-STREET PARKING AND LOADING REQUIREMENTS.

##### 33.1 PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

##### 33.2 RESIDENTIAL DISTRICTS – SPECIAL OFF-STREET PARKING PROVISIONS:

###### A. Definitions.

The following definitions shall apply as used in this Section:

Approved connection shall mean the driving surface located between a residential structure's driveway, alley or street and an improved or limited parking surface.

Concrete pavers shall mean interlocking concrete paving stones at least two inches (2") thick on a base consisting of a layer of bedding sand over a minimum four inches (4") of compacted crushed stone, cement treated base, or soil cement base. The space in between concrete pavers shall be free of grass.

Driveway shall mean an improved or limited parking surface which provides egress and ingress between a residential structure and an adjacent street or alley and which is connected to a street or alley by a driveway approach.

Front yard shall mean that portion of a residential lot between the street and the residential structure face of a single-family, duplex, triplex, or four plex structures.

Improved parking surface shall mean:

- a. Reinforced concrete as approved by the City; or
- b. Concrete pavers.

Runners, as defined herein, are not improved parking surface.

Limited parking surface shall mean:

- a. Reinforced concrete as approved by the City; or
- b. Concrete pavers.

Runners shall mean a parking surface consisting of reinforced concrete, concrete pavers or limited parking surface located only under the wheels of a vehicle and an unimproved area under the body of the vehicle.

Notice has been given when written notification of a violation, in a form specified by the City:

- a. Is delivered in person to an owner, occupant, or person in charge of the property;
  - b. Is affixed to the front door of the property; or
  - c. Two (2) days after the written notification is deposited with the U.S. Postal Service, addressed to the owner, occupant, or person in charge of the property, with proper postage affixed.
- B. Required off-street parking shall be provided on the same site as the use it is to serve.
- C. All driveways and approaches to parking spaces shall be similarly paved, except in the A district.
- D. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).
- E. A minimum of two (2) off-street parking spaces shall be provided for all single-family and duplex dwelling units on the same lot as the main structure.
- F. Parking on unimproved surfaces prohibited.
1. A person commits an offense if, within a residential district the person causes, suffers, permits, or allows the parking of any motor vehicle or trailer upon any surface other than:
    - a. Limited parking surface in a residential rear yard; or
    - b. Improved parking surface elsewhere.
  2. Based on the evidence of damage to the soil structure or existing vegetation due to the traversing of vehicles to and from a limited or improved parking surface, the City may require the installation of an approved connection as necessary to mitigate standing water and vector harborage.
  3. It is an affirmative defense to prosecution under this subsection if:
    - a. The yard is on property which is used for agricultural purposes or zoned agricultural; or
    - b. All of the following conditions exist:
      - i. The home was built on or before January 1, 1980;
      - ii. The surface parked upon was part of the original driveway when the home was built; and
      - iii. The surface parked upon is limited parking surface and was originally composed of gravel, asphalt or macadam when the home was built.
- G. Excessive driveway prohibited.
1. A person commits an offense if, within a residential district the person causes, suffers, permits or allows a driveway to cover more than thirty-five percent (35%) of a front or rear yard. A limited or improved surface constitutes a driveway for purposes of determining the coverage under this section unless the surface is physically detached from any point of egress or ingress to an adjacent street or alley and is permanently incapable of providing a parking space for a vehicle.
  2. It is an affirmative defense to prosecution under this subsection that:
    - a. A driveway is a circular drive connecting to a street or alley by at least two (2) driveway approaches, and covers no more than thirty-five percent (35%) of the yard; or

- b. A driveway is within a residential front yard and parking is prohibited or restricted by ordinance on that portion of the street abutting the yard, and the driveway covers no more than thirty-five percent (35%) of the yard.

H. Abatement and appeal.

1. In the event that is the City determines that a motor vehicle or trailer is parked on any surface in violation of the provisions of this section, the owner, occupant, or person in charge of the property shall correct the violation:
    - a. After notice is given for a violation in a front yard or a violation visible from a public right-of-way; or
    - b. Within ten (10) days after notice is given for a violation elsewhere on the property.
  2. In the event that it is determined that a violation of the provisions of this section exist on a property, the owner, occupant, or person in charge of the property may appeal such determination to the City by filing a request in writing for a hearing with the City within thirty (30) days after notice is first given. Pending on an appeal does not excuse correction of the violation as required in subsection (G)(1) above.
- I. Jurisdiction on appeal. In the event of an appeal, the order of the City shall be reviewed by the Zoning Board of Adjustment (ZBA). In reviewing such order, the ZBA has jurisdiction to:
1. Uphold the determination of the City;
  2. Approve alternative paving materials where such materials are demonstrated to meet or exceed the requirements of this section; or
  3. Grant a variance, to a requirement under this section where it is determined that, due to peculiarities of the property, such as shape or restricted area, literal enforcement of this section would result in an unnecessary hardship.
- J. Permit required. A permit shall be required to construct any parking surface improvement. Application for a permit to improve parking surface shall be made to the Building Inspection Department on a form acceptable to the City.

**33.3 NONRESIDENTIAL AND MF DISTRICTS – SPECIAL OFF-STREET PARKING PROVISIONS:**

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 39.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 33.9 (Fire Lanes).
- C. All off-street parking, maneuvering, loading and vehicle storage areas shall be paved with an all-weather surface (i.e., no parking shall be permitted on grass, within landscaped areas, on gravel, or on other unimproved surfaces), which shall be concrete and shall be constructed to standards established by the City Engineer. All maneuvering areas for parking and loading shall be on site (i.e., shall not occur within public right-of-way or on adjacent property without a platted/recorded access easement granting such access on adjacent property).

Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 10 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

1. Standard: Nine feet (9') by twenty feet (20'); the paved depth of parking spaces may be reduced to eighteen feet (18') if a clear, unobstructed two-foot (2') bumper overhang (i.e., over landscaped area or over a minimum 6-foot wide sidewalk area) is provided in addition to the 18-foot paved parking space.
  2. Parallel: Eight feet (8') by twenty-two feet (22')
- E.** All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- F.** In all nonresidential and multifamily zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
- G.** Refuse storage containers (i.e., dumpsters) placed in a parking lot shall not be located in a designated parking or loading space. Each refuse container shall be located so as to facilitate pickup by refuse collection agencies with the general flow of on-site vehicular traffic and with minimal backing movements. Access and approaches to a refuse container shall be entirely on the lot it serves, and shall not be from adjacent property unless an irrevocable, platted/recorded access easement is secured granting use of adjacent property for such purpose.
- H.** Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).
- I.** In all nonresidential and multifamily zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- J.** To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City Administrator, or his/her designee.
- K.** Off-street stacking requirements for drive-through facilities:
1. A stacking space shall be an area on a site measuring nine feet (9') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least nine feet (9') in width and with negotiable geometric design, must be provided to allow vehicles to get out of the stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc. In computing the number of stacking spaces for a particular use and where fractional spaces result, the stacking spaces required shall be construed to be the next higher whole number (i.e., "rounded up").

2. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
3. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
4. For a full-service carwash, each vacuum or gas pump lane shall be provided with a minimum of three (3) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
5. For each automated self-service (drive-through/rollover) carwash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
6. For each wand-type self-service (open) carwash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
7. For automobile quick-lube type facilities, a minimum of two (2) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
8. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of four (4) stacking spaces. One escape lane shall be provided.
9. Kindergartens, elementary schools, day care facilities, and similar types of facilities shall provide pick-up/drop-off areas that are not located in main traffic circulation aisles or in fire lanes. Stacking requirements for such facilities shall be a minimum of three (3) stacking spaces, plus one (1) stacking space for each ten (10) students/children (based upon the maximum occupancy/enrollment of the facility) over thirty (30) students/children.

#### 33.4 PARKING ACCESS FROM A PUBLIC STREET – ALL DISTRICTS:

- A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all districts (except single-family and duplex zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Administrator, or his/her designee.
  1. Based upon a traffic impact analysis (if such is required by the City), if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
  2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as "head-in" parking spaces which are accessed directly from the street.

- D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustration 10.

### 33.5 PARKING REQUIREMENTS BASED UPON USE:

- A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

1. Automobile parts sales (indoors): One (1) space per two hundred (200) square feet of indoor floor area
2. Automobile sales or service: See Motor-Vehicle Sales
3. Bank, savings and loan, or similar institution: One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 33.3 K.)
4. Bed and breakfast facility: One (1) space per guest room in addition to the requirements for a normal residential use
5. Bowling alley or center: Six (6) parking spaces for each alley or lane
6. Bus or truck repair, storage area, or garage: One (1) space for each five hundred (500) square feet of floor area and repair garage with a minimum of five (5) spaces. For buildings over 5,000 square feet in size, one 10' x 60' truck parking space shall also be required for each 500 square feet of building area over 5,000 square feet.
7. Business or professional office (general): Five (5) spaces, or one (1) space per three hundred (300) square feet of gross floor area (except as otherwise specified herein), whichever is greater
8. Carwash (self-serve): One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; Carwash (full service): One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces (also see Subsection 33.3 K.)
9. Church, rectory, or other place of worship: One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Subsection 33.6(B))
10. College or university: One (1) space per three (3) day students (based upon maximum occupancy and/or enrollment numbers)
11. Commercial amusement (indoor): One (1) space per one-hundred (100) square feet of gross floor area, or as follows:
  - a. Racquetball or handball courts - Three (3) spaces for each court
  - b. Indoor tennis courts - Six (6) spaces for each court
  - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet
  - d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area
  - e. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet
  - f. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet

- g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3 1/2) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 33.6(B))
  - h. Amusement center - One (1) space for each game table and one (1) space for each amusement device
  - i. Health club, health spa or exercise club - One (1) space per one hundred fifty (150) square feet of floor area
  - j. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses
12. Commercial amusement (outdoor): Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area
    - a. Golf course - Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees
    - b. Golf driving range - One and one-half (1 1/2) spaces for each driving tee
  13. Commercial use: One (1) space per two hundred fifty (250) square feet of floor area
  14. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains (see Subsection 33.6(B))
  15. Convenience store (with gasoline pumps): One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 37.2(E))
  16. Dance/aerobics studio, or assembly/exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area thereof
  17. Day nursery, day care center, kindergarten: One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle), plus required stacking spaces (see Subsection 33.3 K.)
  18. Defensive driving school/class: One (1) space for each classroom seat (see Subsection 33.6(B))
  19. Fraternity, sorority or dormitory: One (1) parking space for each two (2) beds on campus, and one and one-half (1 1/2) spaces for each two beds in off-campus projects
  20. Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
  21. Gasoline station: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 37.2(E))

22. Hospital: One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees during periods of full occupancy.
23. Hotel or Motel: One (1) space per guest room, plus one (1) space per three (3) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.
24. Industrial uses: One (1) space for each one thousand (1,000) square feet of floor area (one space per 300 square feet for any office/administrative areas)
25. Institutions of a philanthropic nature: Ten (10) spaces plus one (1) space for each employee
26. Library or museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet
27. Lodge or fraternal organization: One (1) space per two hundred (200) square feet
28. Lumber yard/home improvement center: One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse
29. Machinery or heavy equipment sales: One (1) space per five hundred (500) square feet of gross floor area
30. Manufactured/mobile home or manufactured/mobile home park: Two (2) spaces for each manufactured/mobile home unit
31. Manufacturing, processing or repairing: One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
32. Medical or dental office: One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
33. Mini-warehouse: Three (3) spaces per establishment if an office is located on site, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on site (e.g., rental trucks, boats, RVs, etc.)
34. Mortuary or funeral home: One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 33.6(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
35. Motor-vehicle sales and new or used car lots: One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).
36. Nursing home, convalescent home, or home for the aged: One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees at full occupancy.
37. Office (administrative or professional): One (1) space for each three hundred (300) square feet of floor area

38. Outdoor display: One (1) space for each six hundred (600) square feet of open sales/display area
39. Places of public assembly not listed: One (1) space for each three (3) seats provided (see Subsection 33.6(B))
40. Real estate office: One (1) space for each two hundred (200) square feet
41. Restaurant, private club, night club, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of seating/waiting area, or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities (see Subsection 33.3 K.)
42. Retail or personal service establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 33.3 K.)
43. Retirement housing for the elderly (independent living): One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses
44. Rooming or boarding house: One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift
45. Sanitarium or similar institution: One (1) parking space for each six (6) beds, plus one (1) parking space for every two (2) employees at maximum (i.e., peak) shift and full occupancy
46. School, elementary (grades K-6): One (1) parking space for each fifteen (15) students (design capacity)
47. School, secondary or middle (grades 7-8): One (1) parking space for each twelve (12) students (design capacity)
48. School, high school (grades 9-12): One space for each three (3) students, faculty and staff (design capacity)
49. Storage or warehousing: One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
50. Telemarketing: One (1) space for each two hundred and fifty (250) square feet of floor space
51. Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium): One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 33.6(B))
52. Truck stop/travel center: One (1) truck parking space for each ten thousand (10,000) square feet of site area, plus one (1) vehicle parking space per two hundred (200) square feet of retail/service building area (plus one space per one hundred square feet of restaurant/cafe floor area, if provided)
53. Veterinarian clinic: One (1) space per three hundred (300) square feet of gross floor space.
54. Wholesale type uses (no retail sales): One (1) space for five thousand (5,000) square feet of gross floor area.

### 33.6 RULES FOR COMPUTING NUMBER OF PARKING SPACES:

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. "Seat" shall be interpreted as follows:
  - 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals one and one-half (1.5) feet of length; and
  - 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area. (includes aisles).
- C. For any type of use in Section 33.5 above in which the number of seats is used to compute the required number of parking spaces, the City Administrator (or his/her designee) may, at his/her discretion, make a determination that the parking requirement shall instead be determined by the maximum occupancy load for the building (as prescribed in the City's Building Code) at a rate of one (1) parking space required for every three (3) persons to be accommodated in the facility at maximum occupancy.
- D. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- E. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the City Administrator, or his/her designee, in accordance with the requirements for the most closely related use specified in this Section. In the event the applicant disagrees with this determination, then he/she may submit a request for determination by the Planning and Zoning Commission and City Council using the same process as provided in Section 32.1 (D) for classifying new and unlisted uses.
- F. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- G. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.
- H. Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot and within the same zoning district. Reduction due to shared parking shall be determined by the City Administrator, or his/her designee. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Hutchins:

### 33.7 LOCATION OF PARKING SPACES:

All parking spaces required herein shall be located on the same lot, and within one hundred fifty feet (150') in the case of nonresidential buildings/uses, and within the same zoning district, as the building or use served, except in the CBD district and as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more

buildings or establishments, the required additional spaces may be located not to exceed three hundred (300) feet from any nonresidential building served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:
  - a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or
  - b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

**33.8 USE OF REQUIRED PARKING SPACES, NONRESIDENTIAL DISTRICTS:**

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale, lease or rent.

**33.9 FIRE LANES:**

A. Fire lanes shall be provided in all multifamily, single-family attached, manufactured home, and nonresidential developments. Fire lanes shall be a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code and/or the Fire Chief of the City of Hutchins. The minimum overhead vertical clearance over any portion of a fire lane shall be fourteen feet (14'), and the minimum 14-foot clearance shall be maintained for an additional horizontal distance of at least fifty feet (50') along the fire lane both before and after the overhead structure.

**33.10 OFF-STREET LOADING SPACE – ALL DISTRICTS:**

A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by sixty feet (10' x 60'), and such spaces or berths shall be provided in accordance with the following schedule:

Total Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000 square feet	None
10,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
100,001 to 200,000 square feet	3
Each additional 100,000 square feet	1 additional

B. In all zoning districts except Heavy Industrial, loading docks or service/delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street. In the Heavy Industrial district, loading docks or service/delivery entrances (which may include

overhead rolling steel doors) may be constructed facing a public street if they are set back a minimum of seventy-five feet (75') from the right-of-way line of the street, and if they are visually screened from the roadway (using a "line of sight" which is measured from a vertical height of five feet (5') at the right-of-way line of the roadway). Screening shall be subject to the following standards:

1. Screening shall be a brick/masonry wall not less than ten feet (10') in height.
  2. A living screen, or a living screen with berm, of equal height may be substituted upon approval (on the site plan) by the Planning and Zoning Commission and City Council. Living screen materials shall be in accordance with the City of Hutchins approved plant list, (see Appendix A-4), or as may be otherwise approved by the Planning and Zoning Commission and City Council on the site plan.
  3. Screening shall be provided for a linear distance equal to the length of the area where the loading docks/service areas are exposed to the public street.
- C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
- D. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow passby or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

### 33.11 [RESERVED]

### 33.12 CARPORTS:

- A. Any carport which may be permitted as prescribed by other Sections of this Ordinance shall be constructed of the same material as the main structure.
- B. A carport shall be constructed with a similar roof pitch and trim as the main structure.

(Ordinance 782 adopted 2/16/04; Ordinance 2014-0967 adopted 11/3/14; Ordinance 2018-1051 adopted 7/16/18)

## § 34. LANDSCAPE REQUIREMENTS.

### 34.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent nonpoint pollution, in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family and agricultural uses, adjacent to public streets. Single- and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

### 34.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new or altered construction occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards unless special landscaping

standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered by the City Administrator, or his/her designee. The landscape standards in this Section apply only to nonresidential and multifamily developments (including uses such as schools, day care centers, and churches within a residential zoning district).

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the City Administrator (or his/her designee) shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance.

#### 34.3 PERMITS:

No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the City Administrator, or his/her designee, along with the site plan and engineering/construction plans. A conceptual or generalized landscape plan shall be required as part of the site plan submission, as required in Section 12. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the City Administrator, or his/her designee, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

#### 34.4 LANDSCAPE PLAN:

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the City Administrator, or his/her designee. The City Administrator, or his/her designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
- B. Location, size and species of all existing trees that are greater than or equal to a six-inch (6") caliper size (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location and planting design of all new plant and landscaping materials to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, and all other landscape features
- D. Species and common names of all plant materials to be used
- E. Size of all plant material to be used (container size, planted height, etc.)
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources
- H. Description of maintenance provisions

- I. Name and address of the person(s) responsible for the preparation of the landscape plan
- J. North arrow/symbol, and a small map showing where the property is located
- K. Date of the landscape plan

**34.5 GENERAL STANDARDS:**

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material, and all required landscaping shall be continuously maintained in a living and growing condition. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.
- B. Plant materials shall conform to the standards of the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average crown spread of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown spread. Trees shall be a minimum of three inches (3") in caliper (as measured twenty-four inches (24") above the ground) and seven feet (7') in height at time of planting. No tree shall be located closer than five feet (5') to any paved surface (e.g., street/parking lot paving and curbs). Trees may be located closer than five feet (5') to a sidewalk only when an acceptable root barrier is used to prevent tree roots from growing underneath the sidewalk, and only if trees are maintained with a seven-foot (7') vertical clearance over the sidewalk.
- D. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).
- E. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- F. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- G. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

Caliper Size of Existing Tree	Credit Against Tree Requirement
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Due to their limited height, size and value as quality shade trees, mesquite, hackberry, willow and sycamore trees will receive only fifty percent (50%) of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's approved plant material list but are approved by the City Administrator, or his/her designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a three inch (3") minimum caliper tree in accordance with the credits listed above. The caliper size of existing trees shall be measured at forty-eight inches (48") above natural grade.

No living trees greater than six inches (6") in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance, and such trees shall be preserved and protected, wherever possible.

- H. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.
- I. All required landscaped areas shall be provided with an automatic, underground irrigation system. Landscaped areas having less than ten (10) square feet in area may be irrigated by other inconspicuous methods.

#### 34.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTIFAMILY:

- A. For all nonresidential and multifamily developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least fifteen percent (15%) of the street yard shall be permanently landscaped area (see Illustration 13). The street yard shall be defined as the area between the building front and the front property line, and shall apply to all street frontages of the building. The required landscaped area shall be defined as the total square footage of the street yard area minus the area occupied by any structure, parking area, sidewalk, or other paved or impervious surface area.

For gasoline service stations, the requirement is a minimum of fifteen percent (15%) landscaped area for the entire site, including a minimum six hundred (600) square foot landscaped area at the street intersection corner (if located on a corner), which can be counted toward the fifteen percent (15%) requirement.

- B. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare street is required. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer. Developers shall be required to plant one (1) large tree per forty (40) linear feet (or portion thereof) of street frontage (existing trees that meet the criteria of Subsection \_\_\_\_\_ below may count toward the required number of trees). Trees within street rights-of-way shall not count toward the number of trees required for a development site. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped portion of interior parkways may be included in the required landscape area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.
- C. Landscape areas within parking lots should generally be at least one parking space in size, and no landscape area having a tree shall be less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide, and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.
- D. A minimum of fifty percent (50%) of the total trees required for the property shall be large trees as specified on the approved plant list. Only shrubs and groundcovers (i.e., no trees) shall be used under existing or proposed overhead utility lines.
- E. All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing drip line of the tree. All new trees shall be provided with a permeable surface under the dripline that is a minimum of five feet (5') by five feet (5') in size.

- F. Necessary driveways from the public right-of-way shall be permitted through all required landscaping, and shall be in accordance with City regulations.

#### 34.7 TREE PRESERVATION:

- A. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on site, and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees that are designated for preservation.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.

- B. Tree Removal - In any nonresidential or multifamily development or zoning district, no person shall, directly or indirectly, cut down, destroy, remove, or effectively destroy through damaging, any tree that is six inches (6") or larger in caliper size (as measured forty-eight inches (48") above the ground at the trunk) on any nonresidential or multifamily property within the City of Hutchins without first obtaining a Tree Removal Permit as provided by this Section.
1. Permit Required - Trees shall not be damaged, destroyed or removed prior to the issuance of a Tree Removal Permit, nor until the City Administrator (or his/her designee) approves removal of trees due to the following:
    - a. Said trees are injured, dying, diseased or excessively infested with harmful insects; or
    - b. Said trees are in danger of falling, interfering with utility services, or creating an unsafe visual obstruction; or
    - c. Said trees create a hazardous or dangerous condition so as to endanger the public health, safety or welfare.
  2. Utility companies shall be exempt from authorization of the City Administrator (or his/her designee) when public health, safety or welfare of the general citizenship is in danger.
  3. Under no circumstances shall the clear-cutting of trees, six-inch (6") caliper size and larger (as measured forty-eight inches (48") above the ground at the trunk), on any nonresidential or multifamily property within the City of Hutchins be allowed prior to the issuance of a Tree Removal Permit for said property. Any tree removed will be required to follow the guidelines of this Ordinance.
  4. Penalties for Unauthorized Removal of Trees - If any trees are removed from any nonresidential or multifamily property, including any injury to a tree resulting from the developer's or contractor's failure to follow required tree protection measures that causes or may reasonably be expected to cause the tree to die, the property owner shall be determined to be in violation of this Ordinance. Each and every tree removed in violation of this Ordinance shall constitute a separate and distinct offense, and shall be subject to the penalties provided in Section 44 of this Ordinance.
  5. Application for Tree Removal Permit - A permit for the removal of trees shall be obtained by making application to the City of Hutchins, Building Department, on a form provided by the City, and shall be subject to the following procedures:
    - a. Review of Application for Tree Removal Permit - Upon receipt of a proper application for a Tree Removal Permit, the City Administrator (or his/her designee) shall review the application and may conduct field inspections of the proposed development.

- b. The application for a Tree Removal Permit (if applicable) shall be considered an integral part of the application for site plan approval (see Section 12), and no site plan or development plan for any development that is subject to the provisions of this Section shall be approved without approval of the required Tree Removal Permit.
  - c. Denial of an application for a Tree Removal Permit may be appealed (in writing) to the City Council.
6. This Subsection does not apply to any area that was platted prior to the effective date of this Ordinance.

#### **34.8 SIGHT DISTANCE AND VISIBILITY:**

- A. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of a street(s), alley and/or driveway occurs, a triangular visibility area shall be created (see Section 37.9). Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between twenty-four inches (24") and eight feet (8') above the ground. Single-trunked trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area and provided that their trunks, when mature in size, will not produce a "picket fence" effect which would hinder visibility.
- B. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.
- C. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Administrator, or his/her designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

#### **34.9 MAINTENANCE:**

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass six inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within one hundred and twenty (120) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the City Administrator, or his/her designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.
- B. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 44 of this Ordinance.

(Ordinance 782 adopted 2/16/04; Ordinance 2013-0950 adopted 9/5/13; Ordinance 2017-1023 adopted 6/5/17; Ordinance 2018-1051 adopted 7/16/18)