

## Consideration for amending section 510 (Parking) and 510.D Schedule of off-street parking requirements.

Historic buildings in the Downtown area have generally been able to continue their use through some degree of Nonconforming situation while newly constructed buildings since adoption of the 1977 Zoning Ordinance, have had to build and provide new parking according to 510.D. The continuation of this nonconforming status to many buildings is important as the current zoning ordinance pushes lower-intensity uses and this provides space for buildings such as Mixed-Uses, 3 and 4-plexes that don't quite fit the definition of an Apartment building, and so on to continue to be used. Parking is also a factor in this calculation, as some historic businesses, should they or the building they are in lose this status, then the parking requirements may become so burdensome that businesses may have to cease operations.

The TOJ Zoning Ordinance does not call out a range of intensified uses, but the concept is present with the list of Conditional uses. Conditional uses would normally exceed the threshold of intensification and a Conditional Use Permit would be subject to conditions of approval based on the context and circumstances of the proposed use. The checks and balances already exist within the Ordinance language with this intention in mind. Removing the commercial business requirement from 510.D would not create a "free-for-all" of business expansion. A major chain restaurant would likely struggle to find an existing building in town to convert for their use, but if so, the checks and balances to problem solve this already exist with the Planning & Zoning review process. Should a new building be proposed, the new construction would have to provide for parking in the same way that it currently does.

The intention of the Ordinance, is to allow for the continued use of buildings built prior to the adoption of the ordinance in 1977 but also aims to bring these structures into compliance (or rather, out of nonconformities or nonconforming situations) over time. There are situations which will likely never be fully compliant, but the goal is to improve the situation to the best of our ability.

Commercial uses that are permitted do not constitute enough of a change to be called a change-of-use, and nor would a conditional use, as the conditions attached to the use permit are meant to mitigate the intensification. A Change of use according to our Ordinance would be a Commercial use, changing to a Residential use, or vice-versa. This is a whole separate use category, even if the use would be a permitted use as well. A change-of-use of this sort would most likely require mitigating the need for additional parking, which again is possible with existing ordinance language.

Our parking strategy for the Historic Downtown should not be to push businesses to purchase and develop as much paved parking in the C-1 as possible, but rather to come up with more creative and holistic solutions. The Shuttle program is at the core of this mitigation, even within our General Plan it calls out for enhanced and expanded shuttle operations.

The first step to whichever solution we adopt should be the exemption of the existing buildings in the Historic Commercial District (C-1 Zone) from the schedule of required parking in section 510.D At least two previous Zoning Administrators were working toward this exact same goal, though via different pathways. One advocates for addition of the C-1 District to the Nonconforming section of the Zoning Ordinance, exempting the buildings through use of nonconformities. The other is remarkable similar to my proposed changes.

My proposed plan takes into consideration future changes and updates to the Zoning Ordinance which would attempt to limit nonconforming situations, and prioritizes methods of achieving legal conformity within an expanded zoning framework. With this in mind I do not recommend using the nonconformity method, but rather adding similar language to section

510 itself, while removing some confusing language simultaneously. These proposed changes look something like this; ( Proposed changes in red)

## **SECTION 510. PARKING AND LOADING REQUIREMENTS**

### **A. PURPOSE**

The purpose of this section is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. ~~Jerome is a Historic Town with a Federal Designation as a National Historic Landmark. The Town was founded prior to the introduction of Automobiles. The Town was not designed with Automobiles in mind. Modern day planning in the Town of Jerome now requires flexibility and creative solutions in order to accommodate automobiles. The topography in Jerome limits the available land suitable for expanding parking. Where~~ it is the further purpose of this section to place upon the property owner the primary responsibility, ~~within a reasonable effort~~, for relieving public streets of the burden of on-street parking.

### **B. GENERAL REGULATIONS**

1. A parking space shall mean an area of not less than one hundred sixty (160) square feet with a minimum width of eight (8) feet and a minimum depth of twenty (20) feet which is specifically designated for and used for the parking of automobiles and light trucks.
2. An applicant for a new building permit must submit plans showing the off-street parking required by this subsection. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress, and must be approved by the Zoning Administrator in accordance with the provisions of Section 303.
- ~~3. Whenever a permit has been issued in compliance with the requirements of this section, subsequent use of the structure, or use of land is conditioned upon the unqualified availability of off-street parking as shown in the plans submitted prerequisite to receiving the permit.~~
- ~~4. A base number of parking spaces shall be established for an existing building's designated use, at the time of the passage of the ordinance. A building's subsequent change of use that would normally decrease the number of off-street parking spaces shall not reduce the established base number of parking spaces. A change of use that would decrease the parking spaces would be able to change back to a higher use without penalty of losing spaces for five (5) years. Any subsequent change of use that requires an increase of off-street parking spaces beyond the established base number of parking spaces shall be in accordance with the schedules set forth in Section 510.D.~~
5. It is unlawful to reduce the amount of existing parking below the minimum required by this section without first supplying other spaces as are required.
6. In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.
7. All off-street parking shall have access to/from a public street.
8. In calculating the total number of required off-street parking spaces, fractional amounts over fifty (50) percent shall be regarded as the next highest number.
9. A minimum of one (1) space is required for any use.

### **C. DESIGN AND LOCATION OF PARKING SPACES**

1. Residential Uses:
  - a. Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
  - b. Off-street parking spaces, driveways, and access ways shall be properly graded to prevent

impoundment of surface water.

2. Non-residential Uses:

- a. Required off-street parking shall be located within the C.1. Zone. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements the owner shall submit as part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or recorded easement.
- b. Off-street parking spaces, driveways, and access ways shall be fully improved with an all-weather, dust-free surface, and properly drained to prevent impoundment of surface water.
- c. Off-street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.

A variance from the requirement of Section C.2.c. may be granted by the Board of Adjustment if compliance with this section is geographically impossible. If such a variance is granted, it shall be required as a condition of the variance that traffic signs shall be placed by the Town, after approval by the Design Review Board, and paid for by the applicant, alerting crossing traffic of automobiles backing onto public streets in all areas except those abutting the State highway.

- d. Existing Structures under existing use categories as of \_\_\_\_\_, and are located within the Commercial district are exempt from the following table (Schedule of required off-street parking spaces), recognizing the Historic Non-conforming nature of the district.
- e. New approved development must comply with the provisions of Section D, "Schedule of Required off-street parking spaces". Consideration of shared-parking agreements, shuttle services, valet services, variances, development agreements and other creative solutions may make proposed developments workable.

**D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES**

1. Off-street parking spaces shall be provided for each specified use in accordance with the following schedule. "Usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.). If the use of any structure is changed, off-street parking shall be required and provided under the new use.

USE	SPACE REQUIRED
a. Bowling alley	4 spaces per alley or lane
b. Church or other place of worship	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus 1 space per 50 sq. ft. of usable area not used for seating
c. Day care center	2 spaces plus 1 space per 500 sq. ft. of usable floor area
d. Home occupation	No additional space
e. Hospital or nursing home	1 space per 2 beds
f. Hotel	1 space per rental unit
g. Manufacturing, industry	1 space per 500 sq. ft. of wholesaling usable area
h. Medical, dental office, or clinic	3 spaces per doctor
i. Offices	1 space per 300 sq. ft. of usable area
j. Public assembly place such as auditorium meeting hall or theater	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus. 1 space per 100 sq. ft. of usable area

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k.	Residential (except apartment)	2 spaces per dwelling unit
l.	Residential (apartment)	1 1/2 spaces per dwelling unit
m.	Restaurant or bar	1 space per 6 seats (each 30 inches of bench space is considered 1 seat) plus 1 space per 100 sq. ft. of usable area
n.	Retail and service uses	1 space per 300 sq. ft. of usable area
o.	School (elementary and middle)	1 space per employee
p.	School (other than elementary and middle)	1 space per 10 seats in main auditorium or 3 spaces per classroom whichever is greater

