

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING THE DENTON DEVELOPMENT CODE, SPECIFICALLY TO UPDATE PARKING REQUIREMENTS IN SUBCHAPTER 14 *PARKING STANDARDS* RELATED TO MINIMUM AND MAXIMUM PARKING SPACE REQUIREMENTS, ON-STREET PARKING CREDITS, AND PROVIDING ADMINISTRATIVE PARKING REQUIREMENT RELIEF; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE, SAVINGS CLAUSE, AND AN EFFECTIVE DATE. (DCA18-0003)

WHEREAS, pursuant to Ordinance No. 2002-040, the City Council of the City of Denton, Texas adopted the Denton Development Code (the “DDC”); and

WHEREAS, the City desires to amend Subchapter 35.14 *Parking Standards* of the DDC in order to update minimum and maximum parking space requirements and on-street parking credits and provide administrative parking requirement relief; and

WHEREAS, on May 9, 2018, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, have given the requisite notices by publication, and have held due hearings and have recommended approval [7-0] of the amendments to the Denton Development Code; and

WHEREAS, on May 22, 2018 the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the subject amendments to Subchapter 35.14 of the DDC are consistent with the City’s comprehensive plan, and federal, state, and local law are in best interests of the citizens of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The amendments to Subchapter 35.14 *Parking Standards* of the DDC, as presented in **Exhibit A**, are hereby adopted as shown.

SECTION 3. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

SECTION 7. Effective Date.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor, Chris Watts:	_____	_____	_____	_____
Gerard Hudspeth, District 1:	_____	_____	_____	_____
Keely G. Briggs, District 2:	_____	_____	_____	_____
Don Duff, District 3:	_____	_____	_____	_____
John Ryan, District 4:	_____	_____	_____	_____
Dalton Gregory, At Large Place 5:	_____	_____	_____	_____
Paul Meltzer, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the ___ day of _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: 

EXHIBIT "A"

Subchapter 14 - Parking Standards

35.14.1. - Purpose.

In all zoning districts, except those specifically exempted, whenever any building is erected, enlarged, or the use is changed, off-street parking shall be provided as set forth in this Subchapter. The requirements of this Subchapter are adopted for the purpose of ensuring that all developments provide adequate and reasonable parking which is reasonably necessary and adequate to serve the development or use.

35.14.2. - Generally.

In all zoning districts, except those specifically exempted, whenever any building is erected, enlarged, or the use is changed, off-street parking shall be provided as set forth in this Subchapter. These standards and requirements shall be liberally interpreted and applied so as to achieve the purpose and intent of the standard or requirement. Where literal application of a requirement in a particular case would clearly not achieve the purpose and intent of the requirement, the applicant may seek a variance from the Board of Adjustment using the Board of Adjustment Procedure.

35.14.3. - Application.

- A. No person shall construct, reconstruct, replace, relocate, alter, enlarge, improve, or perform any work on or make use of any parking lot or driveway on any property within the City for which a Permit is required under this section, except in accordance with the requirements of this Subchapter and the Expansion Applicability Table found in Subchapter 13.
- B. Development or redevelopment of property within the Central Business District is exempt from the requirement to provide any additional parking spaces, for all land use classifications other than those listed within the Residential Land Use Categories of Subchapter 5, if permitted within the zoning district approved for that location. Residential development or redevelopment within the Central Business District is also exempt if ten (10) or fewer dwelling units are proposed.
- C. The expansion of an existing parking lot is subject to the provisions of this Subchapter based on the Expansion Applicability Table.
- D. All parking and vehicle storage areas, shall meet the applicable buffering and screening requirements of this Chapter.

35.14.4. - Spaces Required.

The number of parking spaces required shall be based on the following table:

A. **Residential Uses.**

1. **Single-family, duplex, and townhome dwellings.** Four (4) spaces per dwelling. Tandem parking in garages may not be counted as satisfying this requirement..
2. **Multifamily dwellings or manufactured housing.** One bedroom and efficiency units: 1.25 spaces per unit plus guest parking as required below. Two or more bedroom units: One (1) space for each bedroom plus guest parking as required below.

For developments with more than 10 units, guest parking shall be ten percent (10%) of the required number of parking spaces.
3. Retirement or senior living facilities: One (1) space per dwelling unit.
4. **Fraternity or sorority houses, boarding houses, and dormitories.** One (1) space for each bedroom.

5. **Hotels and motels.** One (1) space for each guest room, plus one (1) space for the owner or manager. Any convention facilities, restaurants, and other facilities shall be computed for their individual parking demand, subject to the reduction for mixed uses contained in this Chapter.
6. **Manufactured housing developments.** Additional parking requirements are as established in Chapter 35.9.
7. **Residential Subdivisions.** Parking requirements are as established in Subchapter 13.

B. Commercial Uses.

1. **Auto, boat or trailer sales, retail nurseries and other open-space uses.** One (1) space per one thousand (1,000) square feet of the first ten thousand (10,000) square feet of gross land area; plus one (1) space per five thousand (5,000) square feet for the excess over ten thousand (10,000) square feet of gross land area; and one (1) per two (2) employees.
2. **Bowling Alleys.** Three (3) spaces per alley, plus additional spaces for auxiliary activities set forth in this section.
3. **Business, general retail, person services.** General - one (1) space for three hundred (300) square feet of gross floor area. Furniture and appliances - one (1) space per seven hundred fifty (750) square feet of gross floor area.
4. **Chapels and mortuaries.** One (1) space per four (4) fixed seats in the main chapel.
5. **Offices.** Medical and dental - one (1) space per two hundred (200) square feet of gross floor area. General - one (1) space per four hundred fifty (450) square feet of gross floor area.
6. **Restaurants, bars, ice cream parlors and similar uses.** One (1) space per four (4) seats or one (1) space per one hundred (100) sq. ft. of gross leasable floor area, whichever is less. A minimum of three (3) spaces is required.
7. **Skating rinks.** One (1) space per three-hundred fifty (350) sq. ft. of gross building area.
8. **Theaters, auditoriums, stadiums, gymnasiums and similar uses.** One (1) space per four (4) seats.

C. Industrial Uses.

1. **Industrial uses, except Distribution Centers/Warehouse.** One (1) space per seven hundred (700) square feet of gross floor area or for each two (2) employees on the largest shift, whichever is less.
2. **Distribution Centers/Warehouse.** One (1) space per one thousand (1,000) square feet of gross floor area or for each two (2) employees, whichever is less.
3. **Public utilities (gas, water, telephone, etc.), not including business offices.** One (1) space per two (2) employees on the largest shift; a minimum of two (2) spaces is required.

D. Institutional and Public Uses.

1. **Day care facilities having thirteen (13) or more children/adults.** One (1) space per two (2) employees; a minimum of two (2) spaces is required.
2. **Churches.** One (1) space per four (4) seats.
3. **Golf courses, except miniature.** Eight (8) spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses - four (4) spaces per hole.
4. **Hospitals.** Two (2) spaces per patient bed.
5. **Nursing and convalescent homes.** One (1) space per three (3) patient beds.

6. **Rest homes, homes for the aged, or assisted living.** One (1) space per two (2) patient beds or one (1) space per apartment unit.
7. **Schools, elementary and junior high.** One and one-half (1½) spaces per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.
8. **High schools.** One and one-half (1½) spaces per classroom, plus one (1) space per ten (10) students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.
9. **Colleges, universities and trade schools.** One and one-half (1½) spaces per classroom, plus one (1) space per five (5) students the school is designed to accommodate, plus requirements for on-campus student housing.

E. Unspecified Uses.

Where parking requirements for any use are not specifically defined in this section, such requirements shall be determined by the Director of Planning and Development based upon the most comparable use specified herein, and other available data.

F. Maximum Allowable Number of Spaces.

The number of spaces provided by any particular use in ground surface lots shall not exceed the required number of spaces provided by this Subchapter unless approved by the Director of Planning and Development. Any spaces over the required number of spaces shall be constructed with pervious surfaces. Pervious surfaces provided for spaces above the maximum number shall not count towards required landscape area. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall not apply towards the maximum number of allowable spaces.

G. Administrative Relief.

1. Eligibility.

- a. Properties located within the boundary of the Infill Special Purpose District as described in Section 35.7.14 may qualify for administrative relief as described below.

2. Maximum Relief.

- a. Single-family and Duplex infill lots. Required parking for properties within the Infill Special Purpose District may be reduced to two spaces if that is consistent with the character of the existing area.
- b. Multi-family and non-residential development. For projects within the Infill Special Purpose District, the Director may approve a reduction of up to 10% of the required number of parking spaces provided the criteria in Section 35.14.4.G.3 are met.

3. Criteria:

- a. Granting the reduction will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units;
- b. Granting the reduction does not impose an undue financial or administrative burden on the City;

- c. For every vehicular parking space reduced by means of administrative relief, four (4) bicycle parking spaces shall be provided. These bicycle parking spaces are in addition to the required parking and do not qualify as a substitution under Subsection 35.14.6.G.

35.14.5. - Credit for On-street Parking

- A. Eligibility
 - 1. Location
 - a. Properties located within the Infill Special Purpose District that are not required to dedicate or construct full width right of way adjacent to the site.
 - 2. Project Type:
 - a. Multifamily residential;
 - b. Mixed-Use; or
 - c. Nonresidential, except Industrial.
- B. Maximum Credit. One (1) on-street parking space per each twenty-two (22) linear feet of lot frontage may be counted toward the required number of off-street parking spaces, provided that such space is located directly in front of and on the same side of the street as the use in question, along a public street where on-street parking is permitted.

35.14.6. - Parking Accessibility Standards.

All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102 (Vernon Supp 2000.)

35.14.7. - Limitations, Location, Use of Facilities.

- A. **Location of required parking facilities.** Except for single- and two-family dwellings, required parking facilities may be located on another parcel of land, provided said parcel is within three hundred (300) feet of the use it is intended to serve and the provides a convenient pedestrian route. The distance from the parking lot to the use shall be measured in walking distance from the nearest parking space to an access to the building housing the use, along a sidewalk or other pedestrian path separated from street traffic. The right to use the off-site parking must be evidenced by a deed, lease, easement, or similar written instrument establishing such use, for the duration of the use.
- B. **Not Allowed in Yards.** Except for single- and two-family dwellings, required parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.
- C. **Mixed Uses.** In the event that several users occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the Director may reduce the total requirements accordingly, but not by more than twenty-five (25) percent.
- D. **Joint Use of Facilities.** Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.
- E. **Availability of Facilities.** Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or

display of vehicles or materials. The distribution of parking spaces for any and all individual uses will be required to be arranged on site to ensure optimal access and use by the patrons of such use.

- F. **Compact Car Parking.** Up to five percent (5%) of the total parking spaces required may be designated for compact cars. Minimum dimensions for compact spaces shall be eight by sixteen (8 x 16) feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."
- G. **Bicycle or Motorcycle Spaces.** Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for bicycle or motorcycle spaces.
 - 1. Said bicycle spaces shall be raised a minimum of six (6) inches from grade of the adjacent parking facility.
 - 2. One parking space may be omitted for each four (4) bicycle spaces provided.
 - 3. One parking space may be omitted for each two (2) motorcycle spaces provided.
 - 4. Bicycle spaces shall measure at least two (2) feet by seven (7) feet and shall be located in groups of four (4) and shall be of the following three types:
 - a. A rack which secures the frame, or
 - b. An enclosed bike locker, or
 - c. A fenced, covered, locked or guarded bike storage area.
 - 5. Motorcycle spaces shall measure four (4) feet by eight (8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.
 - 6. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent (5%) of the total required parking spaces.
- H. **Vehicle and Equipment Storage.** The parking of vehicles or equipment on a lot shall be in accordance with the buffering standards of 35.13.8 and shall be constructed with pervious surfaces.

35.14.8. - Design Requirements.

- A. **Size and Access.** All required parking areas shall be designed in accordance with the parking layout chart contained in the Transportation Criteria Manual. All parking spaces shall be a minimum of nine by eighteen (9 x 18) feet and shall have a twenty-four (24)-foot back-up space except where parking is angled.
- B. **Driveways and Turn-Arounds.** Driveways and turn-arounds providing access to parking areas shall conform to the following provisions:
 - 1. A driveway for a single dwelling shall have a minimum width of nine (9) feet, and a shared driveway serving two (2) units shall have a width of twelve (12) feet.
 - 2. Except for a single or two-family dwelling, groups of more than five (5) parking spaces per lot shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
 - 3. Except for a single one- or two-family dwelling, more than five (5) parking spaces shall be served by a driveway design and constructed to facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than twenty (20) feet and twelve (12) feet respectively.
- C. **Vision Clearance.** No signs, structures or vegetation in excess of two and one-half (2½) feet in height shall be placed in the vision clearance area. The vision clearance area is the triangle formed by a line connecting points twenty-five (25) feet from the intersection of property lines. In

the case of an intersection involving an alley and a street, the triangle is formed by a line connecting points ten (10) feet along the alley and twenty-five (25) feet along the street. When the angle of intersection between the street and the alley is less than thirty (30) degrees, the distance shall be twenty-five (25) feet. No signs, structures or vegetation or portion shall be erected within ten (10) feet of driveways unless the same is less than two and one-half (2½) feet in height. No variance shall be granted for vision clearance standards.

35.14.9. - Development and Maintenance.

The development and maintenance as provided below shall apply in all cases, except single- and two-family dwellings. All parking shall meet the minimum requirements of Subchapter 13.

1. **Paving.** All required parking areas, aisles, turn-arounds and driveways shall be paved with concrete, asphalt or comparable surfacing, constructed to standards on file in the office of the City Engineer. Parking lots in residential zones that contain less than ten (10) spaces may be surfaced with a permeable material, such as crushed rock, to the standards on file in the office of the City Engineer.
2. **Drainage.** All required parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. **Driveway approaches.** Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. **Marking.** Parking lots of more than five (5) spaces shall have all spaces permanently and clearly marked.
5. **Wheel stops.** Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, sidewalks and no vehicle shall overhang a public right-of-way.
6. **Maintenance.** Parking facilities shall be continually maintained in compliance with the Site Plan and shall be free of litter and debris.

(Ord. No. 2005-176, 6-21-2005)

(Ord. No. 2005-224, 8-16-2005)

(Ord. No. 2008-158, § 2(exh. A), 7-15-2008)

(Ord. No. 2010-076, § 1, 3-2-2010)

(Ord. No. 2011-125, § 2(Exh. A), 8-2-2011)

(Ord. No. 2012-155, §§ 4, 5, 7-17-2012)