

1 **Ordinance To Amend And Reenact Chapter 11 Of The Zoning Ordinance Of The City Of**
 2 **Hampton, Virginia Entitled “Parking” By Amending Section 11-2 Pertaining To Parking**
 3 **Spaces Required And Section 11-8 Parking Credits, Exemptions, And Reductions As A**
 4 **Part Of Redefining Operational Characteristics Of Live Entertainment 1 & 2**

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 6 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so
 7 require;

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 9 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 11 of the Zoning
 10 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

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 13 **Chapter 11 – PARKING**

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15 **Sec. 11-2. – Parking spaces required.**

16 Along with means of ingress and egress, uses permitted by the zoning ordinance shall
 17 provide on-site a minimum number of permanently maintained parking spaces as required in
 18 Tables 11-2.1 through 11-2.5; Required Minimum and Maximum Parking unless parking credits
 19 are granted pursuant to section 11-8 below, or alternate parking provisions are specified in other
 20 chapters of this ordinance which shall govern the required parking. In addition, all uses shall
 21 provide parking spaces that are accessible to the associated use according to the Uniform
 22 Statewide Building Code and meet access standards established in the Virginia Statewide Fire
 23 Prevention Code. Uses requiring a use permit may be required to vary from these standards
 24 due to the specific conditions of the development. Such variation shall be in the form of a
 25 condition recommended by the zoning administrator and adopted by city council. Minimum and
 26 maximum standards for uses not specifically listed in this chapter shall be determined by the
 27 zoning administrator based upon the minimum and maximum parking requirements of the
 28 closest comparable use for which a standard is specified.

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Table 11-2.3: Required Minimum and Maximum Parking			
Use Group:	Automobile		Bicycle
Commercial	Min.	Max.	
Retail (except furniture)	1 space per 250 sq. ft.	1 space per 166 sq. ft.	1 space

and appliance sales)	of sales area	of sales area	for each 50 automobile spaces required.
Retail: Furniture and appliance sales	1 space per 400 sq. ft. of sales area	1 space per 300 sq. ft. of sales area	1 space for each 50 automobile spaces required
Shopping center, shopping mall	1 space per 250 sq. ft. of sales area	1 space per 166 sq. ft. of sales area	1 space for each 50 automobile spaces required
Grocery store	1 space per 250 sq. ft. of sales area	1 space per 166 sq. ft. of sales area	1 space for each 50 automobile spaces required
Home improvement superstore	1 space per 250 sq. ft. of sales area	1 space per 140 sq. ft. of sales area	1 space for each 50 automobile spaces required
Discount club or superstore	1 space per 250 sq. ft. of sales area	1 space per 140 sq. ft. of sales area	1 space for each 50 automobile spaces required
Office (except medical or dental office or clinic)	1 space per 300 sq. ft. of floor area	1 space per 250 sq. ft. of floor area	1 space for each 50 automobile spaces

			required
Medical office or clinic, dental office or clinic	1 space per 250 sq. ft. of floor area	1 space per 200 sq. feet of floor area	1 space for each 50 automobile spaces required
Bank: No drive-thru	1 space per 250 sq. ft. of floor area	1 space per 200 sq. ft. of floor area	1 space for each 50 automobile spaces required
Bank: With drive-thru	1 space per 400 sq. ft. of floor area	1 space per 200 sq. ft. of floor area	1 space for each 50 automobile space required
Personal services (i.e. dry cleaner, barber shop, beauty salon, tailor, etc.)	1 space per 200 sq. ft. of service area	1 space per 166 sq. ft. of service area	1 space for each 50 automobile spaces required
Restaurant, eating and drinking establishments	1 space per 75 sq. ft. of floor area exclusive of kitchen and freezer areas.	1 space per 60 sq. ft. of floor area exclusive of the kitchen and freezer area.	1 space for each 50 automobile spaces required
<i>Live entertainment with a dance floor or similar open space in association with a restaurant or micro-brewery/distillery/winery</i>	<i>1 space per 15 sq. ft. of dance floor or similar open floor area in addition to the spaces required herein for the area of the restaurant or micro-brewery/distillery/winery use.</i>	<i>1 space per 10 sq. ft. of dance floor or similar open floor area in addition to the maximum spaces permitted herein for the area of the restaurant or micro-brewery/distillery/winery</i>	<i>1 space for each 50 automobile spaces required</i>

		by use.	
Live entertainment karaoke, nightclub, bar eDance hall or similar places of assembly without fixed seats	1 space per every 3 persons based upon maximum occupancy	1 space per every 2.5 persons based upon maximum occupancy	1 space for each 50 automobil e space required
Commercial recreation—Within a building (unless otherwise listed)	1 space per 200 sq. ft. of floor area	1 space per 166 sq. ft. of floor area	12% of the total automobil e spaces required
Commercial recreation—Outdoors	5 spaces per acre of facility plus 1 space per 4 persons of total maximum capacity of the facilities	6 persons per acre of facility plus 1 space per 3 persons of total maximum capacity of the facilities	Minimum of 10 spaces plus 1 additional space for each 50 automobil e spaces provided
Bowling alley	1 space per employee plus 4 spaces per lane	1 space per employee plus 5 spaces per lane	1 space for each 50 automobil e spaces required
Motel and tourist homes	1 space per guest room	1.25 spaces per guest room	1 space for each 50 automobil e spaces required
Hotel with total meeting space in excess of 1,000 sq. ft.	1 space per guest room plus 1 space per 100 sq. ft. of meeting or banquet room	1.25 spaces per guest room plus 1 space per 75 sq. ft. of meeting or banquet room	1 space for each 50 automobil e spaces required

Hotel with total meeting space of 1,000 sq. ft. or less	1 space per guest room.	1.25 spaces per guest room plus 1 space per 75 sq. ft. of meeting or banquet room	1 space for each 50 automobile spaces required.
Kennel or veterinary hospital	1 space per 400 sq. ft. of floor area	1 space per 300 sq. ft. of floor area	1 space for each 50 automobile spaces required
Day care or nursery school	1 space per 500 sq. ft. of floor area	1 space per 400 sq. ft. of floor area	1 space for each 50 automobile spaces required
Funeral home or mortuary	1 space per employee plus one of the below ratios, whichever is greater: 1 space per 50 sq. ft. of public viewing area or 1 space per 3 seats in the chapel	1 space per employee plus one of the below ratios whichever is greater: 1 space per 40 sq. ft. of public viewing area or 1 space per 2.5 seats in the chapel	1 space for each 50 automobile spaces required
Automobile repair and service	1 space per 300 sq. ft. of service area	1 space per 200 sq. ft. of service area	1 space for each 50 automobile spaces required
Automobile and truck sales	1 space per 300 sq. ft. of sales, office and waiting area	1 space per 200 sq. ft. of sales, office and waiting area	1 space for each 50 automobile spaces required

House sales, mobile home sales, trailer sales, boat sales, and other outdoor equipment sales	1 space per 300 sq. ft. of sales, office and waiting area	1 space per 200 sq. ft. of sales office and waiting area	1 space each 50 automobile spaces required
Commercial nurseries	1 space per 300 sq. ft. of floor space plus 1 space per 5,000 sq. ft. of lot area	1 space per 250 sq. ft. of floor space plus 1.5 spaces per 5,000 sq. ft. of lot area	1 space for each 50 automobile spaces required
Car wash facility: Self service	1 parking space at each end of every stall plus 1 parking space per stall located elsewhere on the site	1 parking space at the end of every stall plus 1.5 parking spaces per stall located elsewhere on the site	NA
All other car wash facilities (full service and/or automated)	Stacking area to accommodate 3 vehicles per bay plus 2 parking spaces per bay elsewhere on site.	Stacking area to accommodate 4 vehicles per bay plus 3 parking spaces per bay elsewhere on site	NA

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33 **Sec. 11-8. – Parking credits, exemptions and reductions.**

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35 (1) *Shared parking.* The shared parking model can be used as a basis for
36 predicting the overall parking demand for a particular mix of land uses on a site
37 as an alternative to the application of individual parking requirements specified
38 in Tables 11-2.1 through 11-2.5. This model assumes that every separate use
39 will need the full amount of parking that is called for in the parking requirements
40 table at some point during the day (called the "peak period" for that use).
41 Where different uses need parking at different times of the day, there is an
42 opportunity for these uses to share parking. The total number of parking spaces
43 needed to serve a mix of uses (the parking demand) may be significantly less
44 than the number of spaces that would have to be built if each of the uses had to
45 provide one hundred (100) percent of its own required parking.

46 Shared parking credits may be applied to a mixed-use site as specified in Table
47 11-8.1: Shared Parking Credit Schedule under the following conditions:

- 48 1. The land contains a mix of two (2) or more land uses and is under
49 single ownership; or

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2. The land contains a mix of two (2) or more land uses and operates under a joint use agreement which permits shared use of parking. *The shared parking agreement shall include all of the following terms, to the satisfaction of the zoning administrator and city attorney:*

- (a) consent of all applicable property owners,*
- (b) the number and location of all parking spaces being shared with an exhibit depicting such spaces,*
- (c) a minimum 20-year term,*
- (d) a provision requiring 90-days prior written notice to the director of community development upon amendment or termination of the agreement,*
- (e) provisions allowing for the use of the parking spaces during all times relevant to the use necessitating the parking spaces, as determined by the zoning administrator,*
- (f) an acknowledgement that, upon termination of the shared parking agreement, the grantee of the credits may be in violation of the zoning ordinance unless the required parking is provided by alternate means prior to the termination date of the shared parking agreement, and*
- (g) any other such term reasonably required by the city based upon the unique circumstances of a particular case.*

Notwithstanding the above-described 20-year term, such shared parking agreement may include a provision allowing termination of the agreement by either party at any time, provided 90-days prior written notice is provided to the director of community development and all parties to the agreement. The shared parking agreement shall be in a form suitable for recordation in the deed books maintained by the Clerk of the Circuit Court of the City of Hampton and accompanied by a check made payable to the Clerk of the Circuit Court of the City of Hampton in an amount required by the Clerk to cover recording fees. ~~This agreement must be in affect and legally binding for a minimum of twenty (20) years.~~

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(2) *On-street parking and off-site parking.* All on-street and off-site parking credits shall only apply to parking that is generally available to the public and not restricted in any way which would limit its ability to meet the parking demands of the intended land use.

(b) *Off-site parking credit.* Where parking is available off-site and within five hundred (500) feet of any publically accessible pedestrian entry point to a

94 building, it may be counted towards the minimum required parking under
95 the following conditions:

96 (i) The off-site parking is owned or controlled by a public entity and
97 the requested parking credit is approved, in writing, by the
98 appropriate authority. *The public entity shall maintain an inventory*
99 *of parking space credits provided and the spaces within the lot in*
100 *which they exist. Credits shall not be granted beyond the number*
101 *of spaces available with the exception for instances when the*
102 *uses involved qualify for parking credits under Sec. 11-8(1), as*
103 *amended; or*

104 (ii) The off-site parking is owned or controlled by a private entity with a
105 legally binding *shared parking* agreement. *The shared parking*
106 *agreement shall include all of the following terms, to the satisfaction of*
107 *the zoning administrator and city attorney:*

108 *(a) consent of all applicable property owners,*

109 *(b) the number and location of all parking spaces being shared*
110 *with an exhibit depicting such spaces,*

111 *(c) a minimum 20-year term,*

112 *(d) a provision requiring 90-days prior written notice to the*
113 *director of community development upon amendment or*
114 *termination of the agreement,*

115 *(e) provisions allowing for the use of the parking spaces during*
116 *all times relevant to the use necessitating the parking spaces,*
117 *as determined by the zoning administrator,*

118 *(f) an acknowledgement that, upon termination of the shared*
119 *parking agreement, the grantee of the credits may be in*
120 *violation of the zoning ordinance unless the required parking is*
121 *provided by alternate means prior to the termination date of the*
122 *shared parking agreement, and*

123 *(g) any other such term reasonably required by the city based*
124 *upon the unique circumstances of a particular case.*

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126 *Notwithstanding the above-described 20-year term, such*
127 *shared parking agreement may include a provision allowing*
128 *termination of the agreement by either party at any time,*
129 *provided 90-days prior written notice is provided to the director*
130 *of community development and all parties to the agreement.*
131 *The shared parking agreement shall be in a form suitable for*
132 *recordation in the deed books maintained by the Clerk of the*
133 *Circuit Court of the City of Hampton and accompanied by a*
134 *check made payable to the Clerk of the Circuit Court of the City*
135 *of Hampton in an amount required by the Clerk to cover*
136 *recording fees. ~~to provide the designated number of parking~~*
137 *spaces for a period of not less than twenty (20) years. Said*
138 *agreement shall be submitted to the city attorney for review and*
139 *approval prior to the zoning administrator permitting these*
140 *spaces to count toward satisfying the minimum parking*
141 *requirements set forth in this section.*

142 (iii) Convenient and safe pedestrian access ways shall be provided
143 from the off-site parking to the primary entrance(s) of the subject
144 use. Off-site parking shall not be approved without the existence
145 of such improvements. Required pedestrian access ways shall be
146 designated on a submitted site plan and shall be approved by the
147 director of ~~planning~~ *of community development or designee*.
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