



## Legislation Details (With Text)

**File #:** 19-0017      **Version:** 1      **Name:** ZOA 18-00017 Live Entertainment Parking  
**Type:** Zoning Ordinance - Text      **Status:** Passed  
**File created:** 12/26/2018      **In control:** City Council Legislative Session  
**On agenda:** 1/9/2019      **Final action:** 1/9/2019  
**Title:** Ordinance To Amend And Reenact Chapter 11 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Parking" By Amending Section 11-2 Pertaining To Parking Spaces Required And Section 11-8 Parking Credits, Exemptions, And Reductions As A Part Of Redefining Operational Characteristics Of Live Entertainment 1 & 2

**Sponsors:**

**Indexes:** , , Tourism

**Code sections:**

**Attachments:** 1. Referenced Parking Table, 2. Redline, 3. Presentation Note, 4. PC Resolution

Date	Ver.	Action By	Action	Result
1/9/2019	1	City Council Legislative Session	approved	Pass

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

### Background Statement:

Chapter 11 of the Zoning Ordinance governs parking standards and requirements in the City. This amendment revises several components of the parking chapter. The amendment separates parking requirements for dance halls and similar places of assembly from live entertainment in conjunction with a restaurant or micro-brewery/distillery/winery. Staff has found that the realistic parking needs for restaurants and micro-breweries/distilleries/wineries that host live entertainment are different from dance halls that host live entertainment.

This amendment also details the necessary terms for a shared parking agreement, explicitly requiring consent of all property owners, the number of spaces to be shared with exhibit, a minimum of a 20-year term, and provisions for termination. These have frequently been required on a case by case basis by the Zoning Administrator in shared parking agreements in the past, but this language codifies the requirements and expressly allows for these agreements to terminate sooner than 20 years with notice to the City and when alternate parking arrangements are made. Finally, the language requires shared parking credits given by any public entity to be tracked to ensure undue stress is not put on any parking lot. These changes support the increasing trend for shared parking amongst multiple users.

This Zoning Ordinance Amendment is proposed in conjunction with Zoning Ordinance Amendments 18-00015 (file no. 19-0013) and Zoning Ordinance Amendment 18-00016 (file no. 19-0014).

**Recommendations:**

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

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

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 11, Sections 11-2 and 11-8, of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

**Chapter 11 - PARKING**

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

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

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[The attached Chart/Table/Graphic, entitled, "Table 11-2.3: Required Minimum and Maximum Parking" is hereby declared to be a part of this ordinance as if fully set forth herein.]

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

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

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

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

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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.

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- (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 building, it may be counted towards the minimum required parking under the following conditions:
  - (i) The off-site parking is owned or controlled by a public entity and the requested parking credit is approved, in writing, by the appropriate authority. The public entity shall maintain an inventory of parking space credits provided and the spaces within the lot in which they exist. Credits shall not be granted beyond the number of spaces available with the exception for instances when the uses involved qualify for parking credits under Sec.11-8(1), as amended; or
  - (ii) The off-site parking is owned or controlled by a private entity with a legally binding shared parking agreement. 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.

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

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