

ORDINANCE

AN ORDINANCE OF THE MISSOULA CITY COUNCIL AMENDING TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES TO ADD CHAPTER 12.22 SECTION ENTITLED "PARKING FACILITIES," SECTIONS 12.22.010 THROUGH 12.22.130 TO ESTABLISH REQUIREMENTS FOR PAVING AND PARKING LOT CONSTRUCTION.

BE IT ORDAINED THAT ~~TITLE CHAPTER 12.22 MISSOULA ENTITLED "PARKING FACILITIES," SECTIONS 12.22.010 THROUGH 12.22.130 IS HEREBY ESTABLISHED CITY PARKING ORDINANCE BE ADOPTED IN ITS ENTIRETY AND BE CREATED AS FOLLOWS:~~

**Title 12.22
Parking Facilities**

Sections:

- 12.22.010 Purpose
- 12.22.020 Applicability
- 12.22.030 Conflicting Provisions
- 12.22.040 Definitions
- 12.22.050 General Requirements
- 12.22.060 Americans with Disabilities Act (ADA) Requirements
- 12.22.070 Paving Construction Work-Application, approval, and permit required
- 12.22.080 Paving Construction Work -- Standards compliance required-
- 12.22.090 Paving Construction Work -- Inspection by City Engineer-
- 12.22.100 Parking Construction requirements for Single Family Residential— Parcels
- 12.22.110 Parking Construction requirements for Duplex Parcels
- 12.22.120 Parking Construction requirements for Multi-dwelling Units-Parcels
- 12.22.130 Parking Construction requirements for Commercial and Industrial Parcels

~~12.22.010~~ **12.22.010 Purpose**

The parking facility ordinance is adopted for the purpose of setting forth design and construction requirements for parking lots and associated facilities

12.22.020 Applicability

The purpose of this code is to regulate the design and construction of parking facilities, site accessibility, and exterior accessible routes when triggered by:

- A. Building or zoning compliance permit
- B. Change in use or modification to exiting structure or parcel which results in a change in parking location, configuration, and/or ADA requirements
- C. Modifications to existing parking facilities

12.22.030 Conflicting Provisions

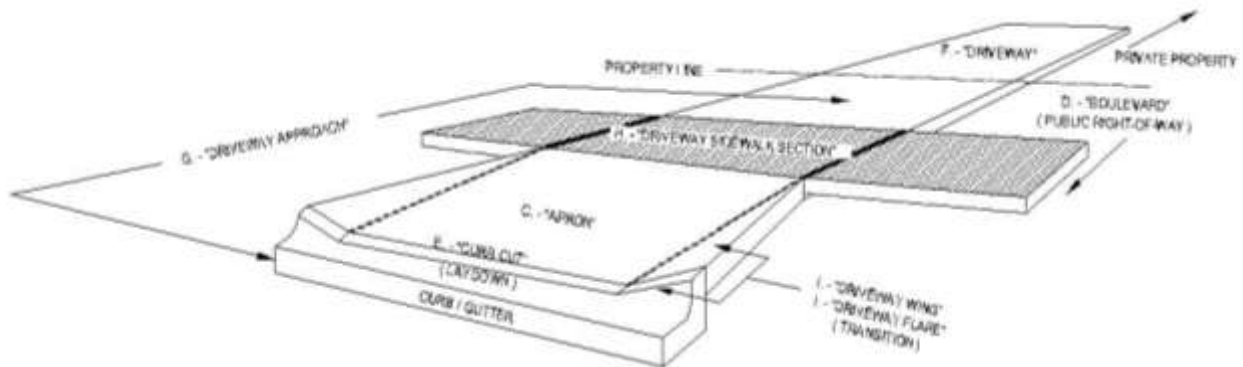
~~Conflict with other City regulations~~ If the provisions of this Parking Facilities Ordinance ~~conflicts~~ with provisions or regulations of the Federal, State or Local Government, then the most restrictive will apply to the extent permitted by law.

12.22:040 Definitions

- A. "Accessible Parking Space" means any parking space that meets Americans with Disabilities Act (ADA) parking requirements.
- B. "Access Aisle" means the area adjacent to an accessible parking space which allows for unobstructed ingress/ egress and access between the vehicle and the accessible route and upon which parking is prohibited.
- C. "Accessible Route" means a pedestrian walkway that connects accessible elements of developments with other elements, including but not limited to; accessible parking spaces to accessible entrances, accessible entrances to other accessible entrances, accessible entrances to public sidewalks.
- D. "Alley Approach" means any dedicated public alley right-of-way used to access private property from a public alley.
- E. "Alley Approach Improvements" means any asphalt or concrete improvements along the length of the alley between the connected avenue(s) and / or street(s).
- F. "Alterations to Primary Function Area/s" means an alteration that affects or could affect the usability of /or access to an area containing a primary function or activity.
- G. "Apron" means that portion of the "Driveway Approach" extending from the gutter flow line or curb cut to the property line and / or sidewalk.
- H. "Boulevard" means an area of public right-of-way between the curb / gutter or edge of the public street and the sidewalk and / or private property line. (may also be referred to as a "Parkway")
- I. "Commercial / Industrial Parcel" means , for the purpose of this ordinance;
 - 1. A parcel on which any activity related to the purchase or sale of, or other transaction involving the handling or disposition of any article, service or commodity is conducted.
 - 2. A parcel on which other facilities including but not limited to office buildings, offices, maintenance, recreational or amusement enterprises, churches, schools, are located on a parcel.
 - 3. A parcel on which the manufacture of any goods or products occurs.
- J. "Curb Cut" means the portion of curb / gutter at the "Driveway Approach" and street that is removed to permit the passage of vehicles. (may also be referred to as a "Laydown")
- K. "Driveway" means an area on private property where automobiles and / or other motorized and / or non-motorized vehicles are operated or permitted / required / allowed to be parked or stored. A "Driveway" shall be paved for its entire length with asphalt or

concrete to reduce drag-on of debris to the street surface and / or airborne dust (fugitive particulate), as per Missoula City – County Air Pollution Control Program, Chapter 8 - Fugitive Particulate.

- L. "Driveway Approach" means an improved ~~and / or unimproved~~ area of public right-of-



way ~~and / or private property~~, between a public street and private property, which is intended and / or used to provide access for vehicles from a public street to an area of the private property used, designated and / or established as a parking area, a driveway, or to a parking structure; garage, carport, etcetera. Component parts of a "Driveway Approach" includes and are referred to as the "Curb Cut" ("Laydown"), the "Apron" and the "Sidewalk Section".

- M. "Driveway Sidewalk Section" means that portion of a "Driveway Approach" lying between the back edge of the sidewalk and the "Apron".
- N. "Duplex or Duplex Parcel" ~~means that~~, for the purpose of this ordinance, means any single parcel that has two (2) living units whether connected or detached.
- O. "Multi- family or Multi Dwelling Parcel" ~~means that~~, for the purpose of this ordinance, means any single parcel that has three (3) or more living units whether connected or detached.
- P. "Parking lot, Parking Area, or Parking Facility" means an area where operable vehicles are parked for more than fifteen (15) days of a calendar year. This also includes other parking facilities such as; parking structures, carports and garages. For this ordinance this will be known as a parking facility.
- Q. "Paved" means having a minimum of two inches (2") of hotmix asphalt or four inches (4") of M4000 Portland cement with the appropriate base for the existing soil type. Alternate hard surfaces may be used only with prior approval by the City Engineer. The thicknesses noted above are minimums and the use, soil conditions, and specifications may require additional paving section.
- R. "Parkway" means an area of public right-of-way between the curb / gutter or edge of the public street and the sidewalk and / or private property line. A "Parkway" may also be located in the center of a street between driving lanes. (may also referred to as a "Boulevard")

- S. "Parcel" means a contiguous area of land that is designated by its owner as a site to be used, developed, or built upon as a unit, under single ownership or control.
- T. "Paving Construction Work" includes public and / or private parking facility, driveway, driveway approach, apron, street and alley approach and refers to any asphaltic or cement concreting work, whether upon and / or within private property or public right-of-way, that is required to be performed as a result of the Building Permit process or Zoning Compliance Permit process or to comply with any other Federal, State or Local Law or Code. All such "Paving Construction Work" shall be performed only upon payment of the applicable required fees and acquisition of all required permit(s).
- U. "Private Road" means a privately owned access that serves three (3) or more single-family residential parcels or a privately owned access that serves one (1) or more multi-family (duplex or larger / greater) parcel or a privately owned access that serves any non-residential parcel. All private roadway improvements, including pavement, curbs, sidewalks and drainage shall be in accordance with city street and road standards as reviewed and approved by the City Engineer.
- V. "Property Frontage" means ~~the boundary of a parcel that abuts public street or alley right-of-way and includes the "Driveway Approach" directly in front of and / or adjacent to the subject property and / or under the control of the subject property owner(s) and such additional property / area as may be opposite adjoining property, which shall be used for approach purposes for the benefit of the subject property owner(s) by right of easement(s) and / or other agreement(s) with the adjoining property owner(s) and legally documented, recorded and / or filed.~~
- W. "Public Road" means a road (street) constructed / located upon or within a dedicated public right-of-way or a public easement.

12.22.050 General Requirements

- A. Driveways, private roads, and parking facilities shall be laid out, designed and constructed in accordance with Missoula Municipal Code requirements, City Fire Department and City Engineering standards and specifications.
- ~~B. Driveways shall be reviewed and approved by the City Engineer prior to issuance of a Zoning Compliance and / or appropriate construction permit(s).~~
- ~~C.~~ B. No driveways from City streets shall be created in residential zoning districts for parcels with access to an alley except those approved by the City Engineer.
- ~~D.~~ C. Parking is prohibited on boulevards between the curb and property line, where curbing exists.
- ~~E.~~ D. Accessible parking facilities shall be provided in accordance with current ADA regulations, Missoula Municipal Code requirements, and City Engineering Division standards and specifications

F.E. All parking facilities, driveways, and private roads on which improvements are required as set forth in Title 12 and Title 20 shall be paved prior to occupancy. These include but are not limited to the following:

1. Parking improvements required through a Zoning Compliance Permit.
2. Parking improvements required through a Building Permit.
3. Parking improvements required through a new or change of use per 20.60.010B.

G.F. Parking lots / driveways / driveway approaches, whose use is discontinued through a change of use or by any form of reconfiguration, shall be removed including all access to public right-of-way, apron, driveway and parking space. Examples:

1. When a garage, car port, or other parking space is removed / remodeled so as to prevent its use as a parking space and the remaining parking space is located all or in part within the set back the existing driveway / parking space shall be removed and the curb cut returned to full height curb.
2. When a new garage, carport or other parking space is constructed within the required building envelope setbacks and an existing parking space ~~that~~ does not meet the standards set ~~for~~ forth in Title 12 or in Title 20, the parking space(s) shall be removed or brought into compliance.

2.3. If the property owner fails to restore the curb / gutter, sidewalk and / or boulevard, the City Council may order the restoration and the cost thereof shall be assessed against the property.

G. All driveway / parking lot / parking garage approach / apron, sidewalk, and / or curb / gutter improvements constructed upon or within the public right-of-way pursuant to this chapter may be financed by special improvement assessment payable in installments extending over a period of eight (8) years, twelve (12) years or twenty (20) years as provided by Missoula Municipal Code (MMC) Sections 12.12.310 through 12.12.340.

H. Any commercial / industrial property whose approach / access use adversely effects any public right-of-way infrastructure shall be required, as reviewed and approved by the City Engineer, to execute measures to prevent accelerated deterioration of said public right-of-way infrastructure, maintain current level of public access and use of the public right-of-way infrastructure and shall endeavor to mitigate the excessive commercial / industrial use.

I. Private driveway paving construction work shall be completed along the entire length of a private driveway starting at the existing adjacent intersecting public road. Private driveway paving construction work shall be reviewed and approved by the City Engineer and may include curb / gutter, minimum twelve (12') foot asphalt surface and drainage infrastructure. Private driveway paving construction work ~~can not~~ cannot exceed a maximum grade of eight (8%) percent. A maximum grade up to ten (10%) percent may be allowed for a length of up to fifty (50') feet if approved by the City Engineer and City Fire Marshall.

J. Private road paving construction work shall be completed along the entire length of a private road starting at the existing adjacent intersecting public road. Private road paving construction work shall be reviewed and approved by the City Engineer and may include curb / gutter, minimum twenty-four (24') foot asphalt surface and drainage

infrastructure. Private road paving construction work ~~can not~~cannot exceed a maximum grade of eight (8%) percent. A maximum grade up to ten (10%) percent may be allowed for a length of up to fifty (50') feet if approved by the City Engineer and City Fire Marshall.

H.K. Driveways and private roads shall substantially follow natural contours and not exceed a maximum grade of eight (8%) percent. A maximum grade up to ten (10%) percent may be allowed for a length of up to fifty (50') feet if approved by the City Engineer and City Fire Marshall. Where barriers exist which do not allow a driveway / parking lot / parking garage approach / apron grade to meet this requirement, no driveway / parking lot / parking garage approach / apron, improvements shall be permitted.

H.L. Access is prohibited to unpaved areas, including but not limited to; front, back or side yards, boulevards, secondary unpaved / unimproved areas, etcetera. Existing accesses to the above noted areas shall be removed if installed after September 16, 1994, (date of adoption of the Missoula City-County Air Pollution Program), and / or curb installation, and / or if modifications to the parcel results in additional parking requirements.

J.M. Access is prohibited to any location ~~with~~ that does not meet the requirements for sight distance, grade, proximity to intersection(s) or any other hazardous or unsafe traffic condition as determined by the City Engineer

K.N. Residential (single ~~family dwelling~~ and multi-~~family dwelling~~) parcel: driveways are prohibited within thirty (30') feet of a crosswalk, stop sign / stop bar or of the point of curvature (PC) and / or point of tangent (PT) of the curb / gutter radius, whichever is greater.

L.O. Commercial / Industrial driveways are prohibited within twenty (20') feet of a crosswalk, stop sign / stop bar or of the point of curvature (PC) and / or point of tangent (PT) of the curb / gutter radius, whichever is greater.

M.P. All driveway / parking lot / parking garage approach / apron improvements shall be constructed at ninety (90°) degrees or perpendicular to the adjacent street and / or alley.

N.Q. Driveways and private roads exceeding one hundred-fifty (150') feet in length require approval from the City Fire Marshall.

O.R. Alleys may be used as back-around access to residential and / or commercial angle parking on private property if the following requirements are met.

1. The parking spaces shall be of sufficient depth to allow for an unobstructed twenty-six (26') feet back-around space.
4. Additional commercial requirements include:
2. The maximum number of parking spaces is ten (10) or less.
3. For ninety (90°) degree parking, the alley shall be paved to the nearest intersecting avenue(s) and / or street(s) or as set forth in Title-2012.22

4. For less than ninety (90°) degree parking and parallel parking, the length of the entire alley shall be paved.

P.S. Existing parking facilities shall not be altered to violate the requirements of this chapter.

Q.T. The number of off-street parking spaces shall be provided in accordance with the off-street parking schedule in 20.60.020C.

12.22.090 Americans with Disabilities Act (ADA) Requirements

- A. All parking facilities shall meet current / most recent ADA requirements as set forth by 28 CFR part 36
- B. Minimum Accessible parking spaces required:

Total Number of Parking Spaces Provided in Parking Lot	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

- 1. Commercial parking facilities containing 4 or fewer parking spaces shall install an accessible parking space and all other required access, but are not required to reserve the parking space for exclusive ADA use.
- 2. The 1st space and every 5th-6th space there after shall comply with ADA van accessible parking and access requirements.

- C. All new commercial, industrial, and multi-dwelling units with 4 or more dwelling units shall comply with all ADA parking and access requirements.
- D. Alterations to the primary function area shall result in the application of applicable ADA parking and access standards to the site.
- E. All accessible parking spaces shall be constructed per City of Missoula Engineering Division specifications and standards.
- F. Accessible parking spaces shall be located on the shortest route to the accessible entrance(s).
- G. Accessible parking spaces that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance. Where parking serves more than one (1) accessible entrance, parking spaces shall be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building or facility, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility.
- H. At least one (1) accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible entrance(s). This accessible route shall be maintained clear of all obstructions including but not limited to; storage, display, signing, etc. which will reduce the pedestrian route to less than the minimum width specified in Titles 12 and 20
- I. At least one (1) accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site. An accessible route shall be constructed to connect with adjacent parcels if required to meet cross connection requirements as determined by a comprehensive development plan, zoning compliance permits or the City Engineer.
- J. Access aisles shall adjoin an accessible route. Two (2) parking spaces may share a common access aisle. Access routes shall connect parking spaces to accessible entrances. In parking facilities where the accessible route(s) shall cross vehicular traffic lanes, marked crossing(s) shall be installed. An accessible route shall not pass behind parked vehicles.
- K. General requirements for accessible parking spaces; these are minimum guidelines and are further defined in City of Missoula Engineering Division standards and specifications.
 - 1. Where parking spaces are marked with lines, width measurements shall be from the center of the line.
 - 2. The maximum grade allowable in any direction for an accessible parking space and access aisle is 1:50 or two (2%) percent-.
 - 3. No portion of an access ramp shall extend into the accessible parking space or access aisle.
 - 4. Covered ADA van accessible parking spaces shall have a minimum vertical clearance of ninety-eight (98") inches

4-5. Covered passenger loading zones shall have a minimum vertical clearance of one hundred fourteen (114") inches.

- L. General Requirements for accessible routes; these are minimum guidelines and are further defined in City of Missoula Engineering Division standards and specifications.
 - 1. Accessible routes shall meet all ADA guidelines for slope and grade.
 - 2. Accessible routes next to paved areas shall be grade separated by a minimum of four (4") inches.
 - 3. Accessible routes shall be a minimum of five (5') feet wide unless otherwise spelled out designated in Title 20. A reduction in width may be allowed by the City Engineer if sufficient hardship can be proved, but shall not be less than ADA minimum requirements.
 - 4. Accessible routes crossing driving lanes shall be delineated by a contrasting surface or by pavement markings.
 - 5. Accessible routes shall be constructed of portland cement concrete except as noted above when crossing a driving lane. Alternative hard surfaces may be approved by City Engineer, prior to construction.

12.22:100 Paving Construction Work-Application, approval, and permit required

- A. Application for permit(s) for paving construction work improvements specified in this chapter shall be made to the City Engineer on permit application form(s) provided for such permitting purposes.
- B. Prior to approval of paving construction work improvements and issuance of permit(s) required by this chapter, the City Engineer or a designated agent shall review and determine that the proposed improvement(s) is / are in conformance with the provisions and standards set forth in this chapter and elsewhere.
- C. Upon approval by the City Engineer or a designated agent, a Right-of-Way Permit and / or a Paving Permit and / or an ADA (accessibility) Permit shall be required before paving construction work may begin.
- D. Paving construction work by any licensed contractor to install, remove, or replace and parking facility improvements on public right-of-way or private shall first obtain any required permit(s) from the City Engineering Division and pay all required fees prior to commencing any such paving construction work.
- E. Paving construction work performed upon or within the City of Missoula public right-of-way shall be performed by a right-of-way construction contractor who is currently and properly licensed by and bonded to the City of Missoula,.
- F. Paving construction work performed upon or within private property shall be performed by a current and properly licensed contractor.
- G. Paving construction work performed upon or within the City of Missoula public right-of-way and / or upon or within private property without required permit(s) shall be subject to

an investigation fee which shall be equal to the fee amount for the required un-purchased permit(s) and in addition to the required permit(s) fee.

- H. Paving construction work performed for driveway approach / apron construction shall conform to this section and any deviation from this section shall be reviewed and approved by the City Engineer prior to any paving construction work activities.

12.22.110 Paving Construction Work -- Standards compliance required.

- A. All paving construction work for parking facilities, sidewalks, curb / gutter, driveway approaches and alley approaches, placed in the public right-of-way and private property shall be constructed in accordance with the most recent / current published versions of Montana Public Works Standard Specifications (MPWSS), City of Missoula Engineering Division Standard Drawings and City of Missoula Administrative Rules.
- B. All paving construction work for parking facilities, sidewalks, curb / gutter, driveway approaches and alley approaches, placed in the public right-of-way and private property shall be constructed in accordance with the most recent / current published versions of Americans with Disabilities Act (ADA), City of Missoula Engineering Division Standard Drawings and City of Missoula Administrative Rules.
- C. All paving construction work for parking ~~facilitites~~facilities, sidewalks, curb / gutter, driveway approaches and alley approaches, placed in the public right-of-way and private property shall be constructed in accordance with the most recent / current published versions of Manual of Uniform Traffic Control Devices (MUTCD), City of Missoula Engineering Division Standard Drawings and City of Missoula Administrative Rules.
- D. All paving construction work for parking ~~facilitites~~facilities, sidewalks, curb / gutter, driveway approaches and alley approaches, placed in the public right-of-way and private property shall be constructed in accordance with the most recent / current published versions of the Missoula City – County Air Pollution Control Program requirements, City of Missoula Engineering Division Standard Drawings and City of Missoula Administrative Rules. Paving construction work contractors, engineers, architects and designers shall specifically examine and closely observe the requirements of the Missoula City – County Air Pollution Control Program, Chapter 8 - Fugitive Particulate.
- E. In the event of conflict or discrepancy between the MPWSS, ADA and / or MUTCD and any City of Missoula Engineering Division standards, documentation and / or related specifications, the City of Missoula Engineering Standards, documentation and / or related specifications shall prevail and govern.

12.22.120 Paving Construction Work -- Inspection by City Engineer.

- A. All paving construction work on public right-of-way shall be inspected by the City Engineer or a designated inspector prior to paving construction work and all paving construction work shall be executed and completed to the satisfaction of the City Engineer or designated inspector. A minimum four (4) working hours advanced notice to

perform an inspection of the traffic control, the graded work site, concrete forms and / or any other required inspection(s) is required prior to executing the required paving construction work.

- B. All paving construction work on private property shall be subject to final inspection by the City Engineer or a designated inspector after completion of paving and all paving construction work shall be executed and completed to the satisfaction of the City Engineer or designated inspector.
- C. An approved, stamped set of plans shall be made available at all construction sites prior to any inspections.
- D. Whenever such paving construction work activities are not executed in accordance with this chapter, the City Engineer or designated inspector shall have authority to order the contractor executing the paving construction work to suspend said paving construction work activities thereon until such paving construction work therewith shall be made to conform in all respects with the standards and specifications set forth in this chapter.

12.22.130 Parking Facility requirements for Single Family ~~Residential Dwellings~~ Parcels

- A. All driveways shall meet the requirements of MMC 12.12
- B. A residential single-~~family dwelling~~ parcel shall be permitted only one (1) access / approach to the public right-of-way in the following order of priority; alley, side street, fronting street – further defined and clarified as:
 - 1. Mid-block parcel shall have access by;
 - a. Alley access.
 - b. Fronting street access.
 - 2. Corner parcel shall have access / approach by;
 - a. Alley access / approach.
 - b. Side street or lowest traffic volume street access / approach.
 - c. Fronting street or highest traffic volume street access / approach.
 - 3. Loop driveways and through-lot (street to alley) driveways are not permitted.
- C. Parking is prohibited in front and street side ~~street~~ setbacks except when located in front ~~(street side) or street side setback in front of setback in front of~~ a garage, carport, or other parking space located ~~within the building envelope outside the required building setbacks~~.
- D. Curb cut / driveway approach shall not be permitted where the garage doors are less than twenty (20') feet from the property line on street frontages.
- E. No more than forty (40%) percent of the front yard area in an R district shall be paved or used for parking or vehicular use. On corner parcels, not more than twenty (20%)

percent of the street side yard shall be paved or devoted to parking or other vehicle use. (see Title 20)

- F. Parking in the setbacks per (C) above shall be removed when the use located within the required building ~~envelope- setback~~ is discontinued. A curb cut and driveway approach, if existing, shall be removed and the previous parking area shall be landscaped.
- G. All existing and new parking shall comply with current standards when alterations / changes / modifications in-to structures located within the property including but not limited to; use, remodel, addition, ~~etcetera~~, that results in two hundred (200 s.f.) square feet of increased area; or modification to, relocation of, addition ~~of~~, and / or other changes or alterations to the existing parking.^[DH1]
- H. When access to the parcel is from the alley the alley shall be paved to the extents of the property frontage along the alley. If the parcel is adjacent to a public or private roadway the alley paving shall extend to the paved surface of the adjacent roadway.
- I. The following exceptions to 12.22.120 apply to townhouses:
 - 1. Refer to Title 20 for additional standards.
 - 2. When garages or carports are paired (abutting), the driveways shall be combined and centered per 20.40.140.E3d on the property line between dwelling units providing access to the garages or car ports. There shall be a minimum of thirty-three (33') feet of distance between single or paired driveways, measured along the front property line, unless otherwise approved by the City Engineer.

12.22.140 Parking Construction requirements for Duplex Parcels

- A. All driveways shall meet the requirements of MMC 12.12
- B. A residential duplex parcel property shall be permitted only one (1) access approach to the public right-of-way per dwelling unit in the following order of priority; alley, side street, fronting street – further defined and clarified as:
 - 1. Mid-block parcel shall have access / approach by;
 - a. Alley access / approach.
 - b. Fronting street access / approach.
 - 2. Corner parcel shall have access / approach by;
 - a. Alley access / approach.
 - b. Side street or lowest traffic volume street access / approach.
 - c. Fronting street or highest traffic volume street access / approach.
 - 3. Loop driveways and through-lot (street to alley) driveways are not permitted
- C. Parking is prohibited in front and street side ~~street~~ setbacks except when located in front (street side) of setback in front of a garage, carport, or other parking space located within the building envelope.

- D. Curb cut / driveway approach shall not be permitted where the garage doors are less than twenty (20') feet from the property line on street frontages.
- E. Parking in the setbacks per (C) above shall be removed when the use located within the building envelope is discontinued. A curb cut and driveway approach, if existing, shall be removed, and the previous parking area shall be landscaped.
- F. All existing and new parking shall comply with current standards when changes in the property result in a duplex lot.^[DH2]
- G. When access to the parcel is from the alley the alley shall be paved to the nearest paved roadway. If the subject parcel is more than one hundred (100') feet from the nearest paved roadway, then the alley shall be paved to the extents of the property frontage plus twenty (20') feet beyond the projection of each property line.

12.22.150 Parking Construction requirements for Multi-dwelling Units-parcels

- A. Multi-dwelling parking facilities shall comply with the requirements of Title 12.
- B. Multi-dwelling parking facilities shall comply with the requirements of Title 20.
- C. Outdoor surface parking facilities shall not be located between the ~~principle-principal~~ building and the street or within ~~a- any~~ required side setback per 20.40.090D.
- D. Multi-dwelling paved parking facilities shall be separated from unpaved areas by poured-in-place concrete curbing and have adequate storm water management and other infrastructure as required by the City Engineer. Pin-down curbs are not permitted as a substitute for poured-in-place sidewalk and / or curb / gutter.
- E. Multi-dwelling paved parking facilities shall be designed by a civil engineer or licensed architect and stamped plans included with the building permit application.
- F. Multi-dwelling paved parking facilities shall be designed so ~~as that vehicles accessing or egressing the parking shall do so by driving forward to exit or approach a public or private roadway / alley front-facing.~~ Parking and access / approach locations shall comply with Title 20.
- G. The entire alley, for multi-dwelling paved parking facilities accessed from the alley, shall be paved from intersecting street to intersecting street.
- H. Multi-dwelling paved parking facilities serving three (3) ~~or less~~ dwelling units:
 1. Curbing may not be required between paved and unpaved areas
 2. The alley shall only be paved to the nearest paved public/private roadway
 3. The parking facility may not need to be designed by a civil engineer.
- I. Where shared parking is permitted, the most restrictive ADA requirements shall apply.
- J. Where off-site parking is permitted per 20.60.040 the following will apply
 1. off-site parking spaces shall meet existing construction requirements.

2. The pedestrian route between the offsite parking facilities and the on-site accessible routes shall meet all accessibility standards.

~~3.~~ Accessible parking spaces must be on-site.

K. When a parking reduction is approved by the Zoning Officer per 20.60.080 the ADA parking requirement is unchanged. The pedestrian route between the transit stop and the on-site accessible routes shall comply with all accessibility standards.

~~L. Multi-dwelling paved parking facilities with ten (10) or more required parking spaces or with more than three thousand three hundred (3,300 s.f.) square feet of paved parking area shall comply with the landscaping requirements set forth in 20.65.40~~

~~M.L.~~ Multi-dwelling units shall comply with the requirements set forth in 20.60.090 regarding bicycle parking.

~~N.M.~~ For ~~M~~multi-dwelling paved parking facilities containing more than twenty (20) parking spaces, the number of required vehicle spaces may be reduced in exchange for motorcycle parking per 20.60.100.

12.22.160 Parking Construction requirements for Commercial and Industrial Parcels

A. Commercial / Industrial parking facilities shall meet the requirements of Title 12.

B. Commercial / Industrial parking facilities shall meet the requirements of Title 20.

C. Commercial / Industrial paved parking facilities areas shall be separated from unpaved areas by poured-in-place concrete curbing and have adequate storm water management and other infrastructure as required by the City Engineer. Pin-down curbs are not permitted as a substitute for poured-in-place sidewalk and / or curb / gutter.

D. Commercial / Industrial paved parking facilities shall be designed by a civil engineer or licensed architect and stamped plans included with the building permit application.

E. Commercial / Industrial paved parking facilities shall be designed so ~~as to that vehicles accessing or egressing the parking shall do so by driving forward exit or approach a public or private roadway / alley front-facing~~. Parking and access / approach locations shall comply with Title 20.

F. Where commercial / Industrial paved parking facilities are accessed from an alley, the alley shall be paved from intersecting street to intersecting street.

G. The following requirements for Commercial / Industrial paved parking facilities with four (-4) or ~~less-fewer~~ required parking spaces:

1. Curbing may not be required between paved and unpaved areas.
2. The alley shall be paved to the nearest paved public / private roadway.
3. The parking facility ~~may does~~ not need to be designed by a civil engineer.

H. Where shared parking is permitted, the most restrictive ADA requirements shall apply.

- I. Where off-site parking is permitted per 20.60.040 the following will apply:
- 4. the off-site parking spaces shall meet existing construction requirements.
 - 5. The pedestrian route between the offsite parking facilities and the on-site accessible routes shall meet all accessibility standards.
 - 6. Accessible parking spaces must be on-site.

J. When a parking reduction is approved by the Zoning Officer per 20.60.080 the ADA parking requirement is unchanged. The pedestrian route between the transit stop and the on-site accessible routes shall comply with all accessibility standards.

~~J. Commercial / Industrial paved parking facilities with ten (10) or more required parking spaces or with more than three thousand three hundred (3,300 s.f.) square feet of paved parking area shall comply with the requirements per 20.65.040.~~

~~K. Commercial / Industrial shall comply with the requirements set forth in 20.60.090 regarding bicycle parking.~~

~~M.L. Commercial / Industrial paved parking facilities containing more than twenty (20) parking spaces, the number of required vehicle spaces may be reduced in exchange for motorcycle parking per 20.60.100.~~

~~N.M. Commercial / Industrial off-street vehicle (truck, tractor / trailer) loading and unloading shall not be accessed by backing into the private property from the public roadway. All maneuvering, backing and turning movements shall be limited to on-site areas only and comply with city engineering standards and specifications.~~

~~O.N. Stacking lane (queuing) standards shall comply the requirements set forth in 20.60.110 and comply with city engineering standards and specifications.~~

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

APPROVED by a __ Ayes, __ Nays, __ Abstain, __ Absent vote, and

APPROVED by the Mayor this __ date of ____ 2009.

ATTEST:

APPROVED:

Martha L. Rehbein
City Clerk

John Engen
Mayor

DRAFT