**Proposed Areas To Discuss / Change**

**Chapter 185, Article 6 Off-Street Parking, 185-35-38**

**Easy Low Hanging Fruit Items**

 Section 185-35. A. (1)

Change: “….a minimum number of off-street parking spaces equal to the sum of two spaces allocated for the first three bedrooms plus one additional space per additional bedroom.”

To: “….a minimum number of off-street parking spaces equal to the requirements as specified in Table 2.”

Section 185-35. A. (2)

Change “ Operation of a bed-and-breakfast inn shall require one off-street space for every two dedicated bed-and-breakfast inn bedrooms in addition to such spaces as are required under residential parking requirements for the private portion of the home or townhouse.”

To: “...shall require a minimum number of off-street parking spaces equal to the requirements as specified in Table 2.”

Sections 185-35. A. (3) – (6)

Changed similar as above

Issue: 185-35. A. (5) conflicts and is confusing with 185-35. B. (1), (2), and (3)

For all the items in 185-35. A. (1)-(6), there is a corresponding item in Table 2. However, 185-35. B.(1), (2), and (3) seem to be a catch all for “other commercial”. The issue is that 185-35. A. (5) is ALSO a catch all for “other commercial”, and there are no corresponding Table 2 entries for B. (1), (2), and (3).(See below)

**A. (5) reads “Dedicated patron use. Operation of commercial uses other than restaurant, convention center, office, public or institutional uses shall require one space dedicated to patron parking per 200 square feet of patron area.”**

**B. (1) – (3) read**

**(1) Where 5,000 square feet or more are assigned for patron use, including open deck, one space for each 100 square feet assigned for patron use shall be required.**

[**(2)**](https://ecode360.com/print/13768748#13768748)**Where less than 5,000 square feet but more than 2,000 square feet are assigned for patron use, including open decking, one space for each 400 square feet assigned for patron use shall be required.**

[**(3)**](https://ecode360.com/print/13768749#13768749)**Where 2,000 square feet or less are assigned for patron use, including open deck, there shall be no off-street parking requirements**

Rationale: The amount of parking should only be defined in one place to avoid confusion. But it needs to be referenced here I presume to ‘activate’ the application of Table 2? Especially for residential as the ‘altered’ language is key. Should the ‘altered’ language also be included for commercial for consistency?

**More Complex Items:**

(My thoughts on these items are that the code committee discuss, and then get feedback from commissioners and / or P&Z rather than proposing a change upfront).

Section 185-38. B.

**Drainage and maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All new exterior parking areas, except underground or multilevel parking lots, shall be paved in a manner so as to create a permeable paving surface. Off-street parking areas shall be maintained in a clean and orderly condition at the expense of lessee or of the owner and shall not be used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials or supplies.**

Thoughts: The code is saying all off street parking is required to be “paved”. If the intent is only for commercial (RB) zoned parking to be “paved”, the code should say so. If a different standard for residential is desired (such as Paving permeable, and gravel is acceptable, but dirt and sand are not acceptable the code should say so.).

Section 185-38 Missing a standard

Thoughts: A design standard is missing for residential parking which specifies whether not ‘stacked’ (or Tandem as it is frequently called) design of spaces is allowed. And if it is allowed, by how many spaces can parking be stacked? By the standards as written a home requiring 4 parking spaces, could simply “Stack” 4 spaces in a single row down a side yard.

Things Related to Parking, but not in Article VI

CH 158

Thoughts: Chapter 158 “Streets and Driveways” is not part of the zoning code section. Regardless of whether it stays here or not, the zoning code is silent on whether a property owner can pave the right of way from the street to their property line. Whether this is allowed or not should be specified somewhere, and when specified it should include differentiation as needed between commercial and residential districts, and what surfaces and permeability are allowed.

Article XII Design Guidelines 185-87 Streets and rights-of-way Item H. Driveways

Issues:

By prohibiting all driveways within 50’ of an intersection, corner lots where the “short side” of the lot is desired for a driveway, cannot have one at all. In fact, they could not meet the parking requirement unless for example they put a driveway in Bayard or on King Charles in the NR district.

Recommendation: Consider changing 185-87. H. to “Driveway entrances may be constructed no closer than 50 feet to any intersection, ***except where a residentially zoned lot in question abuts the intersection a single driveway may be placed beginning 30’ from the intersection on a street so long as that street is not DE Rt 1, or King Charles Ave***”

(We should address any potential safety concerns , especially with lots abutting busier streets).