

Ann Arbor, Michigan, Code of Ordinances >> TITLE V - ZONING AND PLANNING >> Chapter 59 - OFF-STREET PARKING >>

Chapter 59 - OFF-STREET PARKING [23]

[5:161. - Definitions.](#)

[5:162. - Accessibility.](#)

[5:163. - Buildings and uses affected.](#)

[5:164. - Deferred parking requirements.](#)

[5:165. - Barrier free parking.](#)

[5:166. - Use of off-street parking facilities.](#)

[5:167. - Required parking.](#)

[5:168. - Design of off-street motor vehicle parking facilities.](#)

[5:168.1. - Design of bicycle parking facilities.](#)

[5:169. - Special parking districts.](#)

[5:170. - Variance and exceptions.](#)

[5:171. - Nonconforming uses.](#)

[5:172. - Penalties.](#)

5:161. - Definitions.

- (1) *Bicycle parking space.* An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks or fixed bicycle racks which meet the requirements of this chapter for bicycle parking.
- (2) *Driveway.* An access roadway between a public street and a parking space, structure or lot.
- (3) *Front open space.* The area enclosed by the lot lines, the street right-of-way line and the established line of setback. Established line of setback shall be a line, drawn parallel to the street, extending from the point at which a principal building is closest to the street outward to the lot lines. All area directly in front of any part of the principal building shall also be considered to be in front of the established line of setback.
- (4) *Parking lot.* A total surface area on 1 parcel of 1,200 or more square feet or 5 parking spaces used for parking and maneuvering of motor vehicles and which shall also include unenclosed parking structures.
- (5) *Parking space.* A private area designed or used for the parking of a motor vehicle and properly accessed from a public street by a driveway or private street.
- (6) *Residential zones.* Those areas classified pursuant to sections 5:10.2 through 5:10.8 of [Chapter 55](#) of this Code. All other areas shall be considered nonresidential zones.
- (7) *Retail center.* A group of predominantly commercial establishments managed as a total entity.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 12-02, § 1, 4-1-02)

5:162. - Accessibility.

The parking spaces and bicycle parking spaces required by this chapter shall be accessible to a public street or alley and shall be kept available for the use of occupants, employees or other users of the building for which the space was provided. Nothing herein shall preclude a reasonable charge to the occupants of the building for use of the parking spaces or bicycle parking spaces.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95)

5:163. - Buildings and uses affected.

- (1) No new building shall be erected unless the parking for bicycles and motor vehicles required by this chapter is provided.
- (2) No building shall be altered so the usable floor area is increased unless the minimum required parking for the entire building is provided.
- (3) The minimum parking required by this chapter shall be provided for the entire building if the use classification or number of units of use of the building is changed and the parking space required for the

new use exceeds that required for the previous use.

- (4) The parking requirements of this chapter shall not apply to buildings owned or leased by a governmental unit or agency or by a public educational institution as long as they are used for governmental purposes. When such property is conveyed or otherwise made available for a private use, all the parking required by this chapter for that use must be provided.
- (5) The area outside a building occupied by bicycle parking spaces shall be considered usable open space and be included in the calculation of usable open space of a site. When bicycle parking spaces are provided within a building, that floor area used for bicycle parking spaces shall not be included in the floor area used for calculating vehicle parking requirements.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95)

5:164. - Deferred parking requirements.

If the parking spaces or bicycle parking spaces required by this chapter are determined by the owner to be in excess of the immediate need for parking, the provisions of up to 40% of the required parking spaces or bicycle parking spaces may be deferred if shown on an approved site plan. If the planning and development services manager or designee determines that some or all of the deferred parking spaces or bicycle parking spaces are needed, these spaces must be installed. Any person aggrieved by this determination may appeal as provided in section 5:97 of [Chapter 55](#) of this Code.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 43-04, § 24, 1-3-05)

5:165. - Barrier free parking.

All parking lots shall have barrier free parking spaces as required by and in conformity with state law (MCL 125.1352).

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 38-99, § 1, 9-20-99)

5:166. - Use of off-street parking facilities.

- (1) No person shall park a motor vehicle in the front open space, except on the driveway, in a structure or within an approved parking space or lot. This subsection shall not be applicable on those days when football games are played in The University of Michigan stadium. It shall also be inapplicable to persons who have obtained a permit issued by the city administrator for parking in the front open space during the Ann Arbor Street Art Fair. Such permits shall be issued in accordance with regulations adopted by the city council for the purpose of ensuring public safety and preserving the attractive appearance of the city.
- (2) No person shall obstruct the use of a required off-street parking space or bicycle parking space by storing objects, structures or vehicles that are inoperative, unregistered or for sale.
- (3) In residential zones, trailers, boats, campers and similar vehicles must be stored in a structure, on a driveway or in a location other than the front open space.
- (4) In residential zones, no person shall park more than 2 commercially-licensed vehicles in the open on the vehicle owner's private property or within 500 feet of the property on a public street.
- (5) In residential zones, no person shall park in any off-street parking space any vehicle over 22 feet long or a commercial vehicle licensed for an empty weight of more than 5,500 pounds.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95)

5:167. - Required parking.

Parking for vehicles and bicycles in the amount specified in this section shall be provided on the same parcel as the principal use or on a separate parcel within 500 feet of the principal building if zoned "P" or zoned for the same uses as allowed on the property of the principal use. No lot zoned other than "P" shall have parking as its principal use, excepting lots containing approved parking lots or structures in the D1 or D2 districts. An off-site permanent parking easement must be recorded if required parking is provided on another lot. An off-site parking easement may not include parking spaces or bicycle parking spaces required to keep the other owner's property in compliance with this chapter. Any fraction of a required parking space or bicycle parking space shall be considered a full space. Required bicycle parking shall meet the design requirements for Class A, B and C facilities provided in Section 5:168.1. Property owners may provide a higher class of bicycle parking facility than is required by this section.

Use	Required Parking Spaces	Required Bicycle Spaces	Required Bicycle Class
Uses in D1 and D2 Downtown Districts: See Section 5:169			

RESIDENTIAL				
(1)	Child care centers and nursery schools	As required by <u>Chapter 55</u>	1 space per 10 care givers	B
(2)	Convalescent homes, hospitals and sanitariums	1 space for each 6 beds	1 space per 60 beds	B
(3)	Group day care homes	As required by <u>Chapter 55</u>	1 space per 10 care givers	B
(4)	Multiple-family dwellings zoned R4A and R4A/B	2 spaces per dwelling unit	1 space per 5 units	A - 50% C - 50%
(5)	Multiple-family dwellings zoned R4B, R4C, R4C/D and R4D	1½ spaces per dwelling unit	1 space per 5 units	A - 50% C - 50%
(6)	Multiple-family dwellings located in any nonresidential zoning district	1 space per dwelling unit	1 space per 5 units	A - 50% C - 50%
(7)	1-family dwellings and mobile homes	1 space per dwelling unit	None	None
(8)	Rooming houses, boarding and lodging houses	1 space for each 3 beds	1 space per 5 beds	A - 50% B - 50%
(9)	Sororities, fraternities, student cooperatives and other organized group homes	1 space for each 5 beds	1 space per 2 beds	A - 50% B - 50%
(10)	Townhouse dwellings	2 spaces per dwelling unit	1 space per 5 units	A - 50% C - 50%
(11)	2-family dwellings	1½ spaces per dwelling unit	None	None
(12)	Community center clubhouse and private swimming club building	1 space per 200 square feet	1 space per 1,000 square feet	C
COMMERCIAL				
(20)	Athletic clubs, health spas and roller rinks	1 space per 200 square feet of floor area	1 space per 1,000 square feet	B
(21)	Auto washes—Automatic	1 space per 500 square feet of floor area	1 space	C
(22)	Auto washes—Self serve	1 space per bay	1 space	C
(23)	Banks and Similar Financial Institutions	One space for each 220 square feet of floor area—Minimum One space per 180 square feet of floor area—Maximum. (a)	One space per 2,000 square feet.	C
(24)	Barber, beauty shops	1 space per 100 square feet of floor area	1 space per 750 square feet	C
(25)	Bowling alleys	5 spaces per alley	1 space per 5 alleys	C
(26)	Dance halls, assembly halls and convention halls	1 space per 100 square feet of floor area	1 space per 1,000 square feet	C
(27)	Furniture, home furnishings and appliance stores	1 space per 600 square feet of floor area	1 space per 7,500 square feet	C
(28)	Gasoline filling station	1 space per 300 square feet of floor area	1 space	C
(29)	Gasoline service station, Auto repair and service	1 space per 200 square feet of floor area	1 space	C

(31)	Hotels/motels, indoor court game facilities (Handball, racquetball and tennis clubs)	1 space per 1,000 square feet of floor area	1 space per 2,000 square feet	B
(32)	Funeral homes	One space per 100 square feet of floor area used for viewing or services. Site must provide a separately designated off-street assembly area for the lead car, hearse and family vehicle to be used in funeral processions so that these vehicles do not interfere with off-site traffic or access to required parking spaces	None	None
(33)	Restaurants and taverns not located in a retail center	One space for each 100 square feet of floor area.	One space per 750 square feet.	B - 50% C - 50%
(34)	Retail stores and retail centers			
	Retail stores and retail centers less than 300,000 square feet of floor area	One space per 310 square feet of floor area –minimum. One space per 265 square feet of floor area –maximum. (a)	One space per 3,000 square feet.	B - 50% C - 50%
	Retail stores and retail centers between 300,000–600,000 square feet of floor area	One space per 285 square feet of floor area –minimum. One space per 250 square feet of floor area –maximum. (a)	One space per 3,000 square feet.	B - 50% C - 50%
	Retail stores and retail centers more than 600,000 square feet of floor area	One space per 265 square feet of floor area –minimum. One space per 235 square feet of floor area –maximum. (a)	One space per 3,000 square feet.	B - 50% C - 50%
(35)	Storage and warehousing	1 space per 2,000 square feet of floor area	1 space per 30,000 square feet	B
(36)	Theaters	1 space for each 3 seats	1 space per 150 seats	C
OFFICE				
(50)	Business or professional offices	1 space per 333 square feet of floor area–minimum One space per 250 square feet of floor area –maximum(a)	1 space per 3,000 square feet	A - 30% C - <u>70</u>
(51)	Medical and Dental Offices and Clinics	One space per 220 square feet of floor area –Minimum. One space per 180 square feet of floor area- Maximum. (a)	One space per 1,500 square feet.	A - 30% C - <u>70</u>
EDUCATIONAL/INSTITUTIONAL				
(60)	Churches	1 space per 3 seats or 1	1 space per 50 seats or	C

		space per 6 feet of pew. Public off-street parking spaces within 1,000 feet of the site may be counted if approved as part of a site plan	100 feet of pew	
(61)	Elementary and junior high schools	3 spaces per classroom	5 spaces per classroom	C
(62)	Senior high schools and institutions of higher learning	5 spaces per classroom	5 spaces per classroom	C
(63)	Stadia auditorium, not incidental to schools	1 space per 3 seats or 1 space per 6 feet of bench	1 space per 100 seats or 200 feet of bench	C
MANUFACTURING AND RESEARCH				
(70)	Heavy manufacturing, including tool and dye, foundries, lumber yards, steel fabrication and welding	1 space per 1,500 square feet of floor area	1 space per 25,000 square feet	B
(71)	Limited manufacturing, research and development laboratories	1 space per 600 square feet of floor area	1 space per 6,000 square feet	B
(72)	Headquarters business offices for commercial and industrial firms	1 space per 400 square feet of floor area	1 space per 3,000 square feet	A - 30% C - <u>70</u>
OTHER				
(80)	Other uses	Parking and bicycle spaces for uses not specified shall be determined by the planning and development services manager, based upon requirements for similar uses.		
(81)	Parking structures or principal use parking lots		1 space per 10 parking stalls	A - 30% C - <u>70</u>

(a) Additional parking may be provided if it does not increase impervious surfaces beyond that which would be provided by meeting the maximum parking required. Examples of additional parking may include, but not be limited to, under-structure parking, rooftop parking, or structured parking above a surface parking lot.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 8-98, § 1, 5-18-98; Ord. No. 38-99, § 2, 9-20-99; Ord. No. 27-00, § 3, 8-7-00; Ord. No. 51-50, § 1, 1-22-01; Ord. No. 12-02, § 2, 4-1-02; Ord. No. 9-03, § 1, 5-5-03; Ord. No. 43-04, § 24, 1-3-05; Ord. No. 09-28, § 18, 11-16-09)

5:168. - Design of off-street motor vehicle parking facilities.

No person shall construct or establish a driveway or off-street parking structure, lot or space, except pursuant to a building permit issued upon the submission of plans showing compliance with the following standards:

- (1) Vehicular parking structures, lots and spaces shall not be located in the front open space. No space within a parking structure or lot may be closer to the street than the front face of a building.
- (2) Exceptions:
 - a. Sites with existing vehicular parking structures, lots, and spaces approved or constructed prior to January 16, 2011, and located closer to a street than the front face of a building.

- b. Sites where an addition is proposed to an existing building.
 - c. Sites with more than 1 front lot line; the requirements of paragraph (1) in this section shall apply to only 1 front lot line. For all other lot lines abutting streets, parking shall be located behind the minimum front setback requirement, per [Chapter 55](#) (Zoning).
 - d. Multiple-family uses having more than 100 feet of street frontage, more than 20,000 square feet of land area, and more than 20 dwelling units may have vehicular parking lots and spaces located in the front open space but behind the minimum front setback line as required in [Chapter 55](#) of this code.
 - e. Churches, child care centers and schools with more than 100 feet of street frontage and more than 20,000 square feet of land area may be permitted to have vehicular parking lots and spaces located in the front open space but behind the minimum front setback line as required in [Chapter 55](#) of this Code if approved as part of a special exception use review.
- (3) Driveways leading to parking spaces and lots shall meet the following standards:
- (a) A driveway leading to an enclosed space may be widened to the width of the parking space if the driveway does not exceed 30% of the front open space.
 - (b) The width of a driveway serving a single or 2-family dwelling shall be between 10 and 24 feet. For uses other than single or 2-family, the width of 1-way driveways shall be between 10 and 15 feet, and the width of 2-way driveways shall be between 18 and 24 feet.
 - (c) All driveways shall lead to a garage, carport, parking space or structure meeting the requirements of this Chapter, or back onto a street by means of the original opening or a second approved opening. A driveway with a width of up to 10 feet may be installed for single and 2-family dwellings on parcels without adequate space for off-street parking.
 - (d) Driveways providing access to property in nonresidential zones may not be located in residential zones.
- (4) No parking lot shall be located closer than 10 feet to any building used for a dwelling on the first floor.
- (5) Parking spaces required by this Chapter shall be at least 9 feet wide and 18 feet long (16 feet long if 2 feet of overhang is provided when parking against a curb). However, up to 30% of the parking spaces may be designated as small car spaces, which shall be at least 8 feet wide and 16 feet long and clearly signed for "small cars." Spaces directly adjacent to a fence, wall or enclosure shall be increased by 1 foot in width. Barrier free parking spaces must be designated as required by and in conformity with state law.
- (6) Parking lots shall have adequate maneuvering area and access to permit use of all parking spaces without moving other vehicles and prevent backing into a public street. Parking spaces shall be clearly marked and the lots shall conform to the following minimum stall and aisle standards:

Stall and Aisle Standards

Regular Size Cars

(A) Angle of Parking in Degrees	(B) Stall Width*	(C) Curb Length Per Stall	(D) Stall Depth 90° to Wall***	(E) Aisle Width**	(F) Wall to Wall Width
0°	9'	20	9'	12	
45°	9'	12'7"	19'5"	12	51'
60°	9'	10'4"	20'5"	16	57
75°	9'	9'3"	20	20	60'
90	9'	9'	18	22	58

Small Size Cars

(A) Angle of Parking in Degrees	(B) Stall Width*	(C) Curb Length Per Stall	(D) Stall Depth 90° to Wall***	(E) Aisle Width**	(F) Wall to Wall Width
0°	8'	18	8'	12	
45°	8'	11'3"	17	12	46'

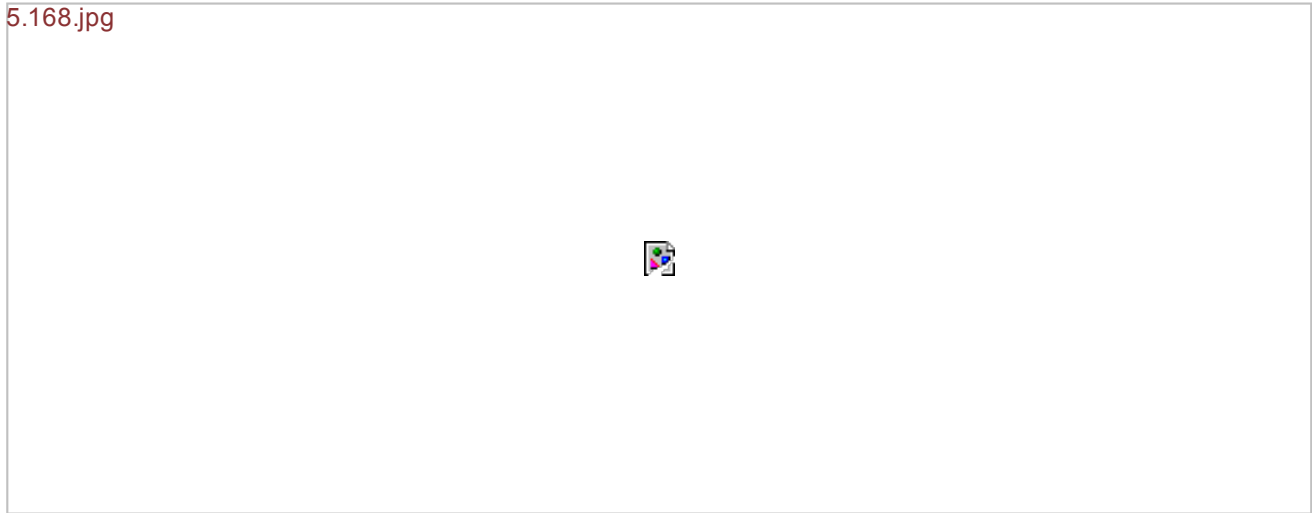
60°	8'	9'2"	17'9"	14	49'8"
75°	8'	8'3"	17'5"	17	52'
90	8'	8'	16	20	52'

*Stall width shall be increased by 1 foot for those spaces which are adjacent to a fence, wall or enclosure. Barrier free parking spaces must be designated as required by and in conformity with state law.

**In lots that are designed for both regular and small cars, the regular size aisle width shall be used.

***Stalls which allow for vehicle overhang (next to curbs) can be reduced in depth by 2 feet.

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Parking Stalls

- (7) Driveways and parking lots shall be surfaced with asphalt, concrete, porous pavement, pavers or brick in accordance with standard engineering practices. However, driveways and parking areas which serve single or two-family dwellings with parking areas of less than 1,200 square feet or less than 5 parking spaces may be surfaced with gravel or other similar material in accordance with standard engineering practices. Approval of such surfacing shall be conditioned upon adequate coverage and barriers sufficient to confine the material.
- (8) Parking lots which were constructed or site planned after October 1, 1984 have the option to continue to comply with the standards under which they were approved or to comply with the revised standard in the table below. Parking lots constructed or site planned after July 15, 1987, shall be illuminated from ½ hour after sunset to ½ hour before sunrise, at the levels specified below. The lighting of such parking lots must be designed to provide illumination levels at all unobstructed points of the parking lots in accordance with the following table. Illumination levels shall be measured 3 feet above the lot surface.

Use	Minimum Illumination Level (footcandles)	Maximum Uniformity Ratio
Residential, church, school, private swimming club, and child care facility		
A. All Parking Lots	0.4	10:1
Non-residential		
Small (5–10 spaces)	0.4	10:1
Medium (11–99 spaces)	0.6	10:1

Large (100 or more spaces)	0.9		10:1
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EXCEPTION:

Lighting levels may be reduced to 0.4 footcandle with a uniformity ratio of not more than 10:1 after 2:00 a.m., or after established hours of operation as filed with the City Building Department. Established hours of operation are ½ hour before to ½ hour after published business hours.

Church, school, private swimming club, and child care facility parking lots in residential neighborhoods, and site planned after July, 1988, shall have the option of reducing lighting levels by up to 50% after midnight with the uniformity ratio not to exceed 50:1. Lighting plans and specifications for such illumination must be submitted pursuant to this chapter during the site plan approval process. The uniformity ratio shall be the ratio of the maximum to minimum illumination level.

Illumination level is the initially measured output of the fixture reduced by the lamp loss and luminaire dirt depreciation factors.

- (9) Lighting for parking lots and spaces must be designed and maintained so the illumination is evenly distributed, so no more than 0.1 foot candle of illumination shines, glares or reflects into any premises used for residential purposes, and so that it does not adversely affect the vision of motorists on public streets.
- (10) Parking lots shall be equipped with curbs or other barriers to confine vehicles to the parking lot. Driveways, parking lots and structures shall be constructed and maintained in a manner to prevent drainage nuisances and the formation of potholes and must be kept reasonably free of snow and ice.

(Ord. No. 41-86, 10-20-86; Ord. No. 13-87, § 1, 7-16-87; Ord. No. 36-89, § 1, 8-21-89; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 8-98, § 2, 5-18-98; Ord. No. 38-99, § 3, 9-20-99; Ord. No. 27-00, § 4, 8-7-00; Ord. No. 9-03, § 2, 5-5-03; Ord. No. 23-05, § 1, 6-20-05; Ord. No. 10-34, § 11, 1-3-11)

5:168.1. - Design of bicycle parking facilities.

No person shall construct or establish a bicycle parking space except pursuant to a building permit issued upon the submission of plans showing compliance with the following standards:

- (1) *Facility standards.* When bicycle spaces are required by this chapter, the total number of spaces shall be provided by 1 or a combination of the following 3 classifications of bicycle facilities in accordance with Section 5:167.
 - (a) *Class A (medium to long-term parking)—Enclosed bicycle storage*—Enclosed bicycle storage shall be in the form of individual enclosed storage lockers, an enclosed bicycle parking shed, a room within a building which contains individual storage lockers or rack spaces, or individual private garages. All types of enclosed bicycle storage shall be easily accessible, secure, well lighted and weather resistant. If racks within a room are used, 1 standard bicycle parking space shall consist of a space not less than 2 feet wide by 6 feet long with a minimum clear access aisle width of 3 feet. Credit can be extended for creative designs that use the available space more efficiently and store the equivalent number of bicycles in a smaller area. Asphalt, concrete, porous pavement, pavers or brick shall connect the enclosed bicycle storage area to a sidewalk or driveway. Enclosed bicycle storage constructed exterior to a building shall comply with the zoning regulations for accessory structures.
 - (b) *Class B (short to medium-term parking)—Covered bicycle racks*—Covered bicycle racks, such as hoop style racks or another type of rack that meets these standards, shall be securely anchored in pavement and designed so that both wheels and the frame of a bicycle may be securely locked with either a chain, cable or padlock. One standard bicycle parking space shall consist of a space not less than 2 feet wide by 6 feet long with a minimum clear access aisle width of 3 feet. Credit can be extended for creative designs that use the available space more efficiently and store the equivalent number of bicycles in a smaller area. Pavement shall meet city public services department standards. The racks shall be covered by a building overhang or a self-standing cover with a minimum clearance of 7 feet above grade. Asphalt, concrete, porous pavement, pavers or brick shall connect the covered bicycle racks to a sidewalk or driveway. All covered bicycle racks shall comply with zoning regulations for accessory structures.
 - (c) *Class C (short-term parking)—Fixed bicycle racks*—Fixed bicycle racks, such as hoop style racks or another type of rack that meets these standards, shall be securely anchored in pavement and designed so that both wheels and the frame of a bicycle may be securely locked with a chain, cable or padlock. One bicycle parking space shall consist of a space not

less than 2 feet wide by 6 feet long with a minimum clear access aisle width of 3 feet. Pavement shall meet city public services department standards. Asphalt, concrete, porous pavement, pavers or brick shall connect the fixed bicycle racks to a sidewalk or driveway.

- (2) *Location criteria.* Exterior bicycle parking facilities shall be placed in close proximity to main building entrances and in a location that is visible and easily accessible. A physical barrier, designed to prevent motor vehicles from driving into bicycle parking areas, shall be provided between bicycle and motor vehicle parking when bicycle parking areas are located within a parking structure or lot. Bicycle parking in parking structures shall be located on the street level and near an entrance and public sidewalk.
- (3) *Lighting.* Bicycle parking spaces shall be illuminated from one-half hour after sunset to one-half hour before sunrise, at the levels specified below. The lighting of such parking areas must be designed to provide illumination levels at all unobstructed points of the bicycle parking area in accordance with the following table. Illumination levels shall be measured 3 feet above the lot surface.

Use	Minimum Illumination Level (footcandles)	Maximum Uniformity Ratio
Bicycle parking spaces	0.4	10:1

(Ord. No. 44-95, § 1, 11-9-95; Ord. No. 8-98, § 2, 5-18-98; Ord. No. 23-05, § 2, 6-20-05)

5:169. - Special parking districts.

Lots located in the D1 or D2 downtown zoning districts are considered a special parking district and are subject to the following standards:

- (1) No off-street motor vehicle parking is required in the special parking district for structures which do not exceed the normal maximum permitted usable floor area or for structures zoned PUD with usable floor area which does not exceed 300 percent of the lot area. Structures which exceed the normal maximum usable floor area by providing floor area premiums, or PUD-zoned structures that exceed 300 percent of lot area, shall provide parking spaces for the usable floor area in excess of the normal maximum permitted. This parking shall be provided at a rate of 1 off-street parking space for each 1,000 square feet of usable floor area. Each parking space reserved, signed and enforced for a car-sharing service may count as four (4) required motor vehicle parking spaces.
- (2) Off-street bicycle parking is required for residential uses in the special parking district at a rate of 1 off-street bicycle space for each 2,500 square feet of usable floor area and shall be provided in compliance with the requirements of Section 5:168.1 for Class A spaces. Off-street bicycle parking is required for non-residential uses in the special parking district at a rate of 1 off-street bicycle parking space for each 10,000 square feet of usable floor area and shall be provided in compliance with the requirements of Section 5:168.1 for Class C spaces.
- (3) The required bicycle or motor vehicle parking shall be provided on-site, off-site as described in this section, or by the payment of a contribution in lieu of required parking consistent with the formula adopted by City Council, or any combination thereof, consistent with the requirements of this section. The per-space payment shall be that required by Council resolution at the time of payment. Approval of a contribution in lieu of required motor vehicle or bicycle parking shall be conditioned upon the execution of a development agreement. Payment of the contribution in lieu for required parking shall be made prior to the issuance of a certificate of occupancy.
- (4) The applicant may request, as part of a site plan, to meet all or a portion of the bicycle parking requirements by installing bicycle parking spaces in the public right-of-way and/or a public parking structure. City Council may approve this request if there is sufficient space in the right-of-way and/or parking structure and the location is convenient to bicycle users.
- (5) Parking structures that are available solely to residents or employees of the building are not subject to the stall and aisle standards of Section 5:168.

(Ord. No. 41-86, 10-20-86; Ord. No. 40-06, § 3, 11-9-06; Ord. No. 09-28, § 19, 11-16-09)

5:170. - Variance and exceptions.

The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with [Chapter 55](#) of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeals under [Chapter 55](#) shall be applicable to appeals

under this chapter.

5:171. - Nonconforming uses.

- (1) Nonconforming parking lots and driveways lawfully constructed prior to January 1, 1986 may be maintained and continued as nonconforming uses. All parking lots or additions to existing parking lots legally constructed after January 1, 1986, must meet the requirements of this chapter. All legal nonconforming parking lots established prior to 1986 must have lighting installed in accordance with this chapter within 1 year of notification.
- (2) Nonconforming bicycle parking spaces lawfully installed prior to November 26, 1995, may be maintained and continued as nonconforming uses. All new bicycle parking areas or additions to existing bicycle parking areas legally constructed after November 26, 1995 must meet the requirements of this chapter.

(Ord. No. 41-86, 10-20-86; Ord. No. 36-89, § 2, 8-21-89; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 44-95, § 1, 11-9-95)

5:172. - Penalties.

Violation of any provision of this chapter constitutes a civil infraction punishable by a fine of not more than \$1,000.00 per violation plus costs and all other remedies available by statute. Each day upon which such violation shall occur shall constitute a separate offense. In addition to these penalties, upon the request of the City Administrator or designee, the City Attorney may commence suit in a court of appropriate jurisdiction to abate any nuisance resulting from a violation of the provisions of this chapter. If the penalty is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.

(Ord. No. 41-86, 10-20-86; Ord. No. 44-95, § 1, 11-9-95; Ord. No. 25-04, § 5, 8-2-04; Ord. No. 30-05, § 2, 8-15-05)

FOOTNOTE(S):

⁽²³⁾ **Editor's note**— Ord. No. 41-86, adopted Oct. 20, 1986, has been codified herein as superseding former Ch. 59. Prior to the inclusion of said ordinance, former Ch. 59, pertained to off-street parking. See the Code Comparative Table. ([Back](#))

⁽²³⁾ **Cross reference**— Transportation department, § 1:67; automobile parking system, Ch. 30, streets and sidewalks, Tit. IV; zoning and planning, Tit. V; historical preservation, Ch. 103, traffic, Tit. X. ([Back](#))