

ORDINANCE NO.: 2009-009

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 10, Off-Street Parking and Loading Facilities, Sec. 17-345 Reduction of parking requirements for certain uses (a)

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BE IT ORDAINED by the Mayor and Council this 4th day of March, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 10, Off-Street Parking and Loading Facilities, Sec. 17-345 Reduction of parking requirements for certain uses (a), is amended to read as follows:

Sec. 17-345. Reduction of parking requirements for certain uses.

(a) *Reduction for existing conditions.* Where a property does not have the area available to provide off-street parking spaces because of existing conditions that were lawful at the time of establishment (e.g. an existing building covers the entire parcel), those nonresidential uses listed upon Table 1 of section 17-258 with an off-street parking requirement equivalent to three parking spaces for each 1,000 square feet of gross floor area or less or those retail trade uses listed upon Table 1 of section 17-258 within or under SIC category number 53 General merchandise stores, 54 Food stores, 56 Apparel and accessory stores, 57 Furniture, and 59 Miscellaneous retail shall only be required to provide as many off-street parking spaces as may physically fit upon the property.

(b) *Remote parking.* Where the off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal nonresidential use would be located:

- (1) Such space may be provided on any land within 600 feet of the principal use provided that the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking area for parking only in connection with the use or structure for which such remote parking is provided. Such restriction shall be recorded by a declaration of restrictions filed with the Office of the Register of Deeds for Richland County or Lexington County, which may be released only by the written consent of city council. Remote parking for nonresidential uses shall not be established within any residential district except in accordance with the provisions of section 17-344(a)(3).
- (2) Such space may be leased subject to the approval of a special exception by the board of zoning appeals and subject to the following conditions:
 - a. Notices required of section 17-112 shall include both the location of the prospective use and the property containing the leased parking spaces;
 - b. At the time of application for special exception, each prospective user shall provide a copy of an unexecuted lease for a number of off-street parking spaces at a rate specified upon Table 1 of section 17-258, and the number of parking spaces required will be rounded to the nearest whole number;

- c. The lease must specify that the parking spaces are for the exclusive use of the prospective user, including the user's customers and employees, unless the parking spaces are controlled by the City of Columbia;
- d. The lease must state that no party can cancel the lease without first sending notice via certified mail to the Zoning Administrator, c/o the Zoning Division of the City of Columbia, at least 30 days prior to the termination of the lease;
- e. With the application for special exception, the applicant shall provide a site plan to scale depicting the location of the prospective use, the location of the parking spaces, and the pedestrian path of travel between these locations. The board of zoning appeals shall find that the location of the parking spaces and the associated pedestrian path of travel are safe and well lit;
- f. Parking spaces shall be located on parcels within 600 feet of the property containing the prospective use;
- g. Parking spaces shall not include required off-street parking spaces for another use, except in accordance with section 17-346, shared parking;
- h. For the purposes of this subsection, section 17-345 (b), the term "lease" may include some other similar type of binding contractual arrangement between a user and a property owner, subject to compliance with all other conditions of the grant of special exception;
- i. At the time of application for zoning approval (request coming from either a business license application or other similar application for zoning permit), each prospective user shall provide a copy of an executed lease identical to the unexecuted lease provided to the board of zoning appeals and in conformance with any additional conditions imposed by the board of zoning appeals;
- j. Prior to operating the use, each parking space shall be clearly marked that the space is reserved for the exclusive use of the user, and that the user may cause violators to be towed;
- k. Each parking space marking shall not exceed two square feet and shall be free of logos or other commercial contents; and
- l. At the time of every annual renewal for a business license, each user shall submit evidence that the lease submitted in support of the grant of special exception is currently in effect and has been in effect since the last date of zoning approval (i.e. initial zoning approval or last annual business license renewal).

(c) *Residential facilities intended for occupancy by the elderly.* The board of adjustment may, as a special exception, after notice and hearing, and subject to appropriate safeguards and conditions, grant a reduction in off-street parking requirements of not more than 50 percent of that generally required for residential facilities intended for occupancy by the elderly, provided that adequate land is available for future expansion to accommodate the generally required amount of parking and that the site design of such reduced parking area will facilitate future expansion if such is required.

(d) *Industrial, processing, storage, warehousing, distribution or wholesaling uses.* The board of adjustment may, as a special exception, after notice and hearing, and subject to appropriate safeguards and conditions, grant a reduction of not more than 50 percent in the amount of parking required for industrial, processing, storage, warehousing, distribution or wholesaling uses located in C-4, M-1 or M-2 districts if such action appears to be reasonably justified as based upon employment levels and characteristics of operation of such uses.

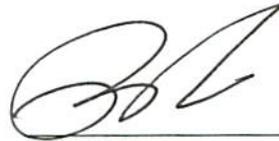
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(e) *Drive-in facilities other than eating and drinking establishments.* The board of adjustment may, as a special exception, after notice and hearing, and subject to appropriate safeguards and conditions, grant a reduction of not more than 50 percent in the generally required off-street parking for facilities offering drive-in service to customers or patrons, provided that:

- (1) The applicant for such special exception demonstrates that the installation of drive-in facilities will reduce customer or patron parking requirements in direct ratio to the number of off-street parking spaces proposed to be eliminated.
- (2) Adequate off-street parking will remain to accommodate employees.
- (f) *High-rise apartments in C-4 districts.* The board of adjustment may, as a special exception, after notice and hearing, and subject to appropriate safeguards and conditions, grant a reduction in required parking for high-rise apartments located in C-4 districts to not less than one space per dwelling unit.
- (g) *Required improvements.* Off-street parking areas developed to meet minimum requirements of this article, and all off-street parking facilities located within the C-4 central commercial area district and C-5 central business district, shall be within properly graded, marked and improved parking lots or within parking structures.

Requested by:

Planning and Development Services



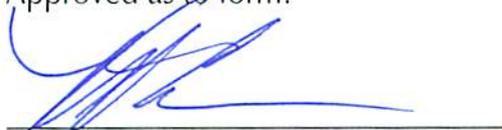
MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Public Hearing: 2/18/2009

Introduced: 2/18/2009

Final Reading: 3/4/2009