

ORDINANCE 2021 - 06

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 151, OF THE TOWN OF COLLIERVILLE CODE OF ORDINANCES BY AMENDING § 151.115 (D) RELATED TO PARKING LOTS AND DRIVEWAYS.

WHEREAS, the Board of Mayor and Aldermen has identified a need to update and revise the Town's zoning regulations as it relates to driveways and parking areas; and,

WHEREAS, the Collierville Planning Commission reviewed the proposed amendment at the regular meeting held on May 6, 2021, and made a recommendation to the Board of Mayor and Aldermen to approve the proposed amendments; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on May 24, 2021, pursuant to notice thereof published in a newspaper of general circulation within the community on May 6, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT:

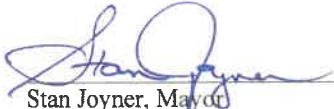
Section 1. §151.115 (D), Accessory Off-Street Parking Regulations, is hereby amended as depicted in Attachment A.

Section 2. BE IT FURTHER ORDAINED that this ordinance shall become effective on third and final reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: May 10, 2021

Passed Second Reading: May 24, 2021

Passed Third Reading: July 12, 2021


Stan Joyner, Mayor


Lynn Carmack, Town Clerk

NOTE:

New text to be added is in **bold underlined** print.

Text to be deleted is ~~struck-through~~.

(A) *General purposes and applicability for off-street parking regulations.* The following provisions on accessory off-street parking are adopted in order to provide parking spaces off all public ways for all employees at their place of work, to reduce congestion caused by parking on public ways, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial and industrial centers, to protect the character of neighborhoods, to provide for higher standards of residential, commercial and industrial development and thus to promote and protect the public health, safety and general welfare.

(B) *Accessory off-street parking requirements.*

(1) *General provisions.*

(a) In all districts, accessory off-street parking, open or enclosed, shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or by the conditional use provisions.

(b) In addition, all other applicable requirements of this chapter shall apply as a condition precedent to the use of such development.

(c) A parking space is required for a portion of a unit of measure one-half or more of the amount set forth herein.

(d) For an enlargement or modification resulting in a net increase in the floor area, the same requirements shall apply to such net increase.

(e) In the case of uses where the Board of Zoning Appeals is required to prescribe the number of parking spaces, it shall base its determination on recommendations from the Planning Commission and such other factors as affect the need for off-street parking which are deemed relevant.

(f) For the purpose of these sections, two rooming units may be considered the equivalent of one dwelling unit.

(g) After the effective date of this chapter, for all enlargements or modification which increase the floor area, number of employees and seating capacity or other applicable unit of measurement, the same requirements shall apply to such enlargement or modification.

(h) Off-street accessory parking spaces shall be located on the same zone lot on which the use is located.

(2) *Space requirements for accessory off-street parking for residential activities.* In all districts, accessory off-street parking shall be provided as set forth in § 151.117. Duplexes shall be provided with a separate driveway for each unit.

(3) *Reduction of requirement for accessory off-street parking for senior housing.* In all districts, the Board of Mayor and Aldermen may, by conditional use permit, reduce the number of required accessory off-street parking spaces when occupancy is to be primarily by elderly persons 60 years of age or over. However, in no case shall the number of spaces be reduced below one space per two dwelling units; nor shall the number of spaces be reduced merely to accommodate additional dwelling units.

(4) *Space requirements for off-street parking for commercial activities outside the limits of the Downtown Collierville Small Area Plan.* One accessory off-street parking space shall be provided for the specified number of square feet of gross floor area for each activity as set forth in § 151.117, except as noted below:

(a) No commercial activity for which (a) parking is required shall have less than four off-street parking spaces;

(b) For any activity permitted by right in the Central Business District, accessory off-street parking shall not be required;

(c) The maximum number of permitted parking spaces shall be based upon a ratio of one parking space per 200 square feet of gross building area with the following exceptions:

1. Restaurants, which shall not exceed one space for every two seats provided for within the assembly occupancy;
2. Places of public assembly, including, but not limited to, places of worship, auditoriums, and theaters, which shall not exceed one space for every two seats provided for within the assembly occupancy;
3. Health spas/clubs, which shall not exceed a ratio of one parking space per 150 square feet of gross building area; and
4. The outdoor display of products considered to be an integral and inseparable part of the business operation associated with the following principal uses, provided that the display areas, customer parking areas, and employee parking areas, are shown on an approved site plan per § [151.311](#):
 - a. Agricultural equipment, sales or service;
 - b. ATV, RV, trailer, or other similar businesses;
 - c. Auto dealership;
 - d. Auto rental;
 - e. Boat, marine sales;
 - f. Farmers market (private property);
 - g. Fruit or vegetable store;
 - h. Greenhouse or nursery products;
 - i. Heavy equipment sales and rental;
 - j. Mobile home/pre-fabricated home sales;
 - k. Motorcycle sales;
 - l. Moving equipment rental store; and
 - m. Used car sales.

5. The display area shall be designed to comply with the requirements of § [151.025\(D\)\(12\)](#); however, the striping of parking spaces and the planting of trees in parking lot landscape islands shall not be required for designated display areas.

(d) Whenever a lot in a Shopping Center Commercial (SCC), General Commercial (GC) or Medical-Professional-Office (MPO) District is to be developed with more than one use to be located on the lot or unified development, the off-street parking requirement shall be based on the following ratios according to the gross floor area of the development.

| <i>Gross Floor Area*</i> | <i>Ratios</i> |
|---|---------------|
| Tier 1: Up to 50,000 square feet | 1:200 |
| Tier 2: First 50,000 square feet | 1:200 |
| plus | |
| For additional 50,001 to 250,000 square feet | 1:250 |
| Tier 3: First 50,000 square feet | 1:200 |
| plus | |
| For additional 50,001 to 250,000 square feet | 1:250 |
| plus | |
| For additional square footage more than 250,000 | 1:300 |

*The calculations shall be based on a cumulative basis. For example, a 60,000 square foot shopping center shall be required to meet the 1:200 ratio for 50,000 square feet and shall meet the 1:250 ratio for 10,000 square feet.

(5) *Space requirements for off-street parking for industrial activities.* One and one-half spaces for each two persons employed on the premises at maximum employment on a single shift.

(6) *Space requirements for off-street parking for conditional uses allowed in institutional structures in R-1 and R-2 Historic Zones.* Where antique shops, art galleries (studios), museums, interior decorating shops and tearooms are allowed as conditional uses in existing institutional structures in R-1 and R-2 Historic Zones, one off-street accessory parking space shall be provided for each 375 square feet of gross floor area for each activity. Additional off-street parking to meet the requirements of this section shall be allowed at an off-site location, provided that:

- (a) Such off-site parking has been reviewed and recommended by the Development Director;
- (b) Not more than 30% of the additional off-street parking may be allowed at the off-site location;
- (c) The off-site parking location shall not be more than 500 feet from the use(s) for which the additional parking is intended;
- (d) The off-site parking location shall be under the direct control of the owners or lessees of the lot for which the additional parking is intended;
- (e) The additional off-site parking spaces may not be a part of accessory off-street parking required by other uses.

(7) *Space requirements for parking for uses within the limits of the Downtown Collierville Small Area Plan.* With the exception of uses within the CB Central Business District and unless otherwise approved, lots within the limits of the Downtown Collierville Small Area Plan containing more than one use shall provide parking spaces in an amount equal to the total standards for all individual uses per § 151.117. This provision shall not limit the ability to submit an alternative parking plan to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods. Within the limits of the Downtown Collierville Small Area Plan, the Board of Mayor and Aldermen, through the ~~preliminary~~ site plan process or planned development process, may approve an alternative parking plan that proposes alternatives to providing the number of off-street parking spaces required by § 151.117, in accordance with the standards listed in this section. Nothing in this section shall limit the use of one or more of the following off-street parking alternatives for a single development application.

(8) (a) Alternative parking plan. Uses located in downtown infill situations sometimes have widely varying parking and loading demand characteristics, making it difficult to establish a single, off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Department of Development shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use of established minimum off-street parking standards on the basis of a parking and loading study prepared by the applicant.

(a) 1. Alternate formula. A parking and loading study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), or other acceptable estimates as approved by the Board of Mayor and Aldermen and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use.

(b) 2. Shared parking. Requests for shared parking shall comply with the following standards.

4. a. Shared parking spaces shall be located within 1/4 mile/1,320 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.

- 2. **b.** A shared parking area shall be located on a site with the same or more intensive zoning district classification than required for the primary uses served.
- 3. **c.** Applicants requesting to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- 4. **d.** The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50%.
- 5. **e.** Directional signage that complies with the standards of this section shall be added to direct the public to the shared parking spaces. It is preferable that the employees of an establishment use these spaces.
- 6. **f.** If a use shares parking, a plan shall be enforced through a written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded at the office of the Shelby County Register. Recordation of the agreement shall take place prior to issuance of a certificate of occupancy for any use to be served by the shared parking area.

~~(e) 3.~~ **3.** *On-street parking.* The use of on-street parking to meet a portion of the minimum off-street parking requirements is permitted if there is adequate on-street parking contiguous to the lot.

~~(e) 4.~~ **4.** *Parking structures.* The Board of Mayor and Aldermen may reduce or waive the parking required by § 151.117 if the use is in proximity to a parking structure, whether on the same or on a different lot than the uses which it serves.

~~(e) 5.~~ **5.** *Valet and tandem parking.* An off-street parking program utilizing limited tandem parking for commercial uses shall comply with the following standards.

1. **a.** The development served shall provide off-site parking spaces equal to the use requirement per § 151.117.

2. **b.** No more than 30% of the total number of spaces shall be designated as tandem.

3. **c.** A valet parking attendant must be on duty during hours of operation.

~~(9) (b)~~ **(b)** *Alternative materials.* **In the Local Historic Overlay,** the use of pervious or semi-pervious parking area surface materials, including but not limited to grass, mulch, grasscrete, ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, ~~or recycled materials such as glass, rubber, used asphalt, brick, block and concrete~~ may be approved for the required vehicular surface area on a lot, provided that such areas are properly maintained. Decorative, dust-free gravel used on conjunction with reinforced matting, grid pavers, or pervious asphalt, is permitted as an alternative parking area surfacing material in the **Local Historic Overlay District**, if the Historic District Commission grants a certificate of appropriateness. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.

~~(10) (9)~~ **(9)** *Queuing spaces.* Queuing spaces may count toward the overall number of required parking spaces. However, only the space that is provided at the gas island or drive-through window may be counted. Additional queuing spaces that may exist when a line forms shall not be counted as contributing to the number of required spaces.

(C) *Additional regulations for accessory off-street parking.*

(1) *Operation of accessory off-street parking spaces.*

(a) Off-street parking spaces which are accessory to community facility, commercial and industrial uses shall be designed and operated exclusively for the storage of the motor vehicles used by the visitors, occupants, employees, patrons or customers of those uses.

(b) Off-street parking spaces which are accessory to residences shall be designed and operated exclusively for the storage of the motor vehicles used by the occupants of such residences.

(2) ~~Area of accessory off-street parking spaces~~ **Minimum Parking Dimensions**. Each accessory off-street parking space, open or enclosed, ~~shall be a minimum of nine feet wide and 20 feet long exclusive of drives, ramps and aisles, and the minimum drive aisle width shall be as specified below:~~

| <u>Angle</u> | <u>Minimum Stall Width</u> | <u>Minimum Stall Depth (Perpendicular to Curb) [1]</u> | <u>Minimum Width of Adjacent Drive Aisle</u> |
|----------------------------|----------------------------|--|--|
| <u>0 degree (parallel)</u> | <u>7 feet [2]</u> | <u>22 feet</u> | <u>22 feet (one-way)</u> <u>24 feet (two-way)</u> |
| <u>45-60 degree</u> | <u>9 feet</u> | <u>20 feet</u> | <u>16 feet (one-way)</u> <u>24 feet (two-way)</u> |
| <u>90 degree</u> | <u>9 feet</u> | <u>20 feet</u> | <u>22 feet (one-way)</u> <u>24 feet (two-way)</u> |

[1] Measurement is exclusive of drives, ramps, and aisles but may include up to 2 feet of overhang over a sidewalk if the sidewalk is at least 7 feet wide or a landscaping area if there are no conflicts with required plantings.
[2] Measurement does not include the gutter pan.
[3] The minimum width of a drive aisle may be increased to 26 feet if required by the Fire Marshal.

~~(3) Minimum drive aisle width.~~ The minimum drive aisle width is based on the angle of the parking spaces and if one- or two-way traffic is proposed.

| <u>Angle of Parking</u> | <u>Traffic Direction</u> | <u>Minimum Aisle Width</u> |
|-------------------------|--------------------------|----------------------------|
| <u>45-60 degree</u> | <u>One-way</u> | <u>16 feet</u> |
| <u>45-60 degree</u> | <u>Two-way</u> | <u>24 feet</u> |
| <u>90 degree</u> | <u>One-way</u> | <u>22 feet</u> |
| <u>90 degree</u> | <u>Two-way</u> | <u>24 feet</u> |

(D) **Development standards for accessory off-street parking and driveways for all uses permitted by right or by the conditional use provisions.**

(1) **Design objectives.**

(a) Parking areas **and related driveways** shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access and as an integral part of the overall site design.

(b) For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.

(c) Efforts shall be made to assure that a parking area does not dominate a site or building. The efforts may include depressing the level of the parking area, construction of earth berms, dividing large lots into smaller sub-lots and other similar techniques.

(2) **Location of access to the street.** The entrances and exits of all required or permitted accessory off-street parking facilities with five or more spaces shall be located not less than 50 feet from the intersection of any two street lines.

(3) **Surfacing.** **Except where expressly permitted,** all off-street parking areas **and driveways** shall be surfaced with asphalt, ~~or~~ concrete, **or pavers (brick, stone, or concrete)** and so constructed to provide for adequate drainage for both on and off site and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks. **Exceptions include the following:**

(a). Parking areas and driveways surfaced with gravel are permitted for for agricultural uses, single family lots 5 acres or greater in size, and where determined appropriate by the Historic District Commission (HDC) per § 151.115(B)(7). Driveways surfaced

with gravel are prohibited within 10 feet of where the driveway intersects a public street.

(b). Parking areas and driveways surfaced with recycled concrete and gravel are permitted in GI: General Industrial Districts when used outside of the required building setbacks.

~~(4) Lighting, Border barriers. An off-street parking area containing five or more parking spaces shall be provided with a rail, fence, wall, earth berm or other continuous barrier of a height sufficient to retain all cars completely within the property, together with appropriate landscaping, except as exit or access driveways. In addition, screening shall be provided on each side of a parking area as required in subsection (D)(5) of this section. Lighting of driveway and parking areas shall be provided as required by § 151.190.~~

~~(5) Screening and Required Plantings. Screening for parking lots shall be as required by the applicable design guidelines. Plantings shall be provided as required by § 151.268.~~

~~— (a) Open off-street parking areas with five or more parking spaces, which are located on a lot adjacent to the boundary of a residential district shall be screened by either:~~

~~— 1. A strip at least ten feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years; or~~

~~— 2. A wall or barrier or uniformly painted fence of fire resistant material at least six feet in height. The wall, barrier or fence may be opaque or perforated, provided that not more than 50% of the fence is open.~~

~~— (b) In addition such screening:~~

~~— 1. Shall be maintained in good condition at all times;~~

~~— 2. Shall not be placed within 15 feet of the normal vehicular entrances and exits;~~

~~— 3. Shall not obstruct visibility of motorists at street intersections.~~

~~— (6) Large parking areas. Off-street parking areas containing 50 or more parking spaces shall be subdivided into sub-lots containing not more than 50 parking spaces by landscaping strips, landscaped works or similar techniques.~~

~~— (7) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way as not to create a nuisance, and such lighting shall not exceed 0.5 foot candle at or above any residential district boundary or commercial district boundary where residences are located.~~

NOTE:

New text to be added is in **bold underlined** print.

Text to be deleted is ~~struck-through~~.

GRAVEL. A construction material considered a loose mixture of pebbles and rock fragments coarser than sand.