

ORDINANCE NO. 23-18

AN ORDINANCE OF FILLMORE CITY, UTAH AMENDING FILLMORE CITY AMENDING TITLE 10, CHAPTER 15, PARKING STANDARDS.

The City Council of the City of Fillmore, Utah, (referred to herein as the “City Council”), states the following as the basis for enacting this ordinance:

RECITALS

A. Fillmore City previously adopted a land use ordinance, pursuant to law, which is set forth in Chapter 10 of the Fillmore City Municipal Code.

B. Fillmore City may enact and amend ordinances, resolutions, and rules regarding land use for the purposes outlined in Utah Code Ann. § 10-9a-102.

C. On July 19, 2022, Fillmore City considered proposals for professional services to update Fillmore City’s zoning ordinance, subdivision ordinance and annexation policy plan, and ultimately approved Sunrise Engineering’s Proposal dated May 26, 2022.

D. As part of that proposal, Sunrise Engineering has amended a chapter in Title 10 of the Fillmore City Municipal Code, regarding parking standards.

E. On November 28, 2023, the Fillmore City Planning Commission (referred to herein as the “Planning Commission”) held a public hearing to receive public comment regarding such amendment, after publishing notice as required by law, and there allowed the opportunity for public comments related to the proposed enactment.

F. After considering the matter, the Planning Commission found the amendment to be appropriate and found that it was in the public interest to recommend the adoption to the City Council.

G. The City Council has now considered the matter and received public comment, after publishing notice as required by law, and has determined that the Planning Commission recommendation is appropriate and the changes should be adopted as such changes further the health, safety and welfare of Fillmore City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fillmore, Utah:

SECTION 1: Adoption of Recitals. The Recitals set forth above are hereby adopted and incorporated into this ordinance by reference.

SECTION 2: Amendment of Chapter 10-14, Parking Standards, of the Fillmore City Municipal Code. The Fillmore City Municipal Code Title 10, Chapter 14, Parking Standards, is hereby amended as attached, incorporated herein.

SECTION 3: Continuing Effect of Fillmore City Municipal Code. Except as specifically amended hereby, all terms, provisions and conditions set forth in Title 10 of the Fillmore City Municipal Code shall remain and continue in full force and effect.

SECTION 4: Effective Date. This ordinance shall become effective upon publication.

SECTION 5: Publication. This ordinance or a summary thereof is ordered published in accordance with Utah Code Ann. § 10-3-711, as a class A notice under Section 63G-30-102.

SECTION 6: Severability. If any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable, and such finding of invalidity shall not affect the remaining portions of this ordinance.

SECTION 7: Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of Fillmore City conflict with the provisions of this ordinance, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this ____ day of _____, 2023.

CITY OF FILLMORE, UTAH:

By: _____
MICHAEL D. HOLT, Mayor

Attest: _____
KEVIN ORTON, City Recorder

VOTING:

Dennis Alldredge	___Yea	___Nay	___Absent	___Abstain
Curt Hare	___Yea	___Nay	___Absent	___Abstain
Eric Jenson	___Yea	___Nay	___Absent	___Abstain
Kyle Monroe	___Yea	___Nay	___Absent	___Abstain
Michael Winget	___Yea	___Nay	___Absent	___Abstain

CHAPTER 14 PARKING STANDARDS

SECTION:

10-14-1: Purpose

10-14-2: Application of Standards

10-14-3: General Provisions

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10-14-5: Location

10-14-6: Use of Off-Street Parking by Another Building

10-14-7: Joint Parking Facilities

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10-14-9: Landscaping

10-14-10: Lighting

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10-14-12: Stopping, Standing, or Parking of a Vehicle on Privately Owned Parking Areas
Serving Commercial Establishments

10-14-13: Americans with Disabilities Act Accessible Parking Requirements

10-14-1: PURPOSE:

The purpose of this chapter is to provide uniform parking regulations and standards for residential and commercial developments in the City. (Ord. 19-07, 9-3-2019)

10-14-2: APPLICATION OF STANDARDS:

The minimum standards for off-street on-site parking requirements shall be mandatory for all new construction and expansions of existing uses unless a hardship can be clearly demonstrated. In unusual circumstances, where the parking requirements create an extreme hardship, a reasonable reduction may be requested to the Appeals Authority.

10-14-3: GENERAL PROVISIONS:

Off-street parking shall be provided in accordance with the following requirements:

A. Parking Space Size: Each parking space shall be at least 9' x 18', unless otherwise required herein.

B. Off-Street Parking Space Required: The minimum off-street parking spaces as outlined in this chapter, along with adequate provisions for ingress and egress by standard-size automobiles, and adequate loading facilities, shall be provided for any use of land or main building or structure in the City. These spaces and facilities shall be provided both at the time the use is approved and the time a building is constructed. Businesses already established are exempt from these regulations. However, a business existing prior to the enactment of this ordinance, which provides fewer parking stalls than is required under the current ordinance, cannot further reduce the number of provided off-street parking stalls.

C. No Parking Reduction: Space for off-street parking being used in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking but shall be maintained in perpetuity.

D. Tandem Parking (Parking Two Vehicles End to End): Tandem parking shall not be allowed except for townhomes with a dedicated garage and driveway or single-family dwellings. In this case, the parking space may be within the driveway area in the required yard.

E. Enlargements: No building or structure shall be enlarged, altered, or converted unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as hereinafter required in each zoning district. Provided, however, that if such alteration, enlargement, or conversion does not increase the number of required parking spaces by more than fifteen percent (15%), no additional parking spaces need to be provided.

F. Uses Not Mentioned: In the case of a use not specifically mentioned herein, the requirements for the most nearly similar use, which is so mentioned, shall apply. The decision of the City Council, as recommended by the Planning Commission, as to what is the most nearly similar use shall apply.

10-14-4: MINIMUM PARKING STANDARDS:

The required number of off-street parking stalls per use are outlined as follows. Unless otherwise specified, parking stalls are per gross square feet of floor area.

#	Land Use	Required Parking
1	Adult-Oriented Business	1 stall / 250 sq. ft.
2	Arcades, Athletic Clubs, Mini-Golf, Games Centers, Bowling Alley, Recreation Centers, Reception Centers, Health Clubs and Spas, Civic, and Private Clubs, and similar uses	1 stall / 200 sq. ft.
3	Animal Hospital / Veterinary	3 stalls / 1,000 sq. ft.

4	Automotive Service Station / Gas Station	1 stall / 200 sq. ft.; pumping areas are not to be included in the parking calculation
5	Automobile, Truck, RV Sales and Rental	3 stalls / 1,000 sq. ft.
6	Automotive Repair Facilities	1 stall/service bay plus 3 stalls / 1,000 sq. ft. for office and retail areas
7	Aviation Airport-Services	1 stall / 250 sq. ft.
8	Banking and Financial Services	1 stall / 500 sq. ft.
8	Bars, Liquor Stores or Taverns	1 stall / 200 sq. ft.
9	Bed and Breakfast or Inn	2 stalls for tenants and 1 stall/guest room
10	Car Wash	2 stalls plus at least 3 tandem spaces per washing bay
11	Childcare Facility/Center	1 stall per on-duty employee plus 1 per 6 children
12	Churches	1 stall / 100 sq. ft.
13	Dwelling, Single, Two Three & Four Family, Apartment House, Condominium / Townhome	2.5 stalls per dwelling unit
14	Grocery Stores, Drug Stores, Convenience Stores	3 stalls / 1,000 sq. ft.
15	Group Home	The greater of 1 stall per 2 bedrooms plus 1 stall per employee per shift <u>or</u> 2 per 3 employees per shift
16	Healthcare Center	1 stall / 200 sq. ft.
17	Hospital	1 stall / 400 sq/ ft.

18	Hotel/Motel	2 parking stalls plus 2 additional stalls per unit and 1 stall per 200 sq. ft. of conference space
19	Industry, Light	1 stall / 500 sq. ft.
20	Industrial Park	1 stall / 500 sq. ft. for the first 10,000 sq. ft. plus 1 stall / 4,000 sq. ft. after that; office areas 1 stall / 500 sq. ft.
21	Kennel	1 stall / 2 employees
22	Laundry, Dry Cleaning	3 stalls / 1,000 sq. ft.
23	Manufacturing	1 stall / 400 sq. ft. plus parking for office uses as calculated herein
24	Mortuaries	1 stall / 100 sq. ft.
25	Assisted Living, Nursing Home, or Convalescent Center	1 stall/employee and 1 stall / 3 bed
26	Nursery	1 stall / 500 sq. ft.
27	Office, Business	3 stalls / 1,000 sq. ft.
28	Office, Government	3 stalls / 1,000 sq. ft.
29	Offices, Professional	1 stall / 500 sq. ft.
30	Personal Services, Barber Shops, Beauty Shops, Travel Agencies	1 stall / 200 sq. ft.
31	Repair, Small Appliance, Small Engine	1 stall / 500 sq. ft.
32	Restaurant, Café & Fast Food	6 stalls / 1,000 sq. ft.
33	Restaurants, Drive-Thru	1 stalls / 500 sq. ft. plus 6 tandem spaces for drive-thru
34	Retail Sales Establishment	3 stalls / 1,000 feet

35	Schools; Elementary (public or private)	2 stalls/classroom
36	Schools; Middle or Junior (public or private)	3 stalls/classroom
37	Schools; Secondary, High (public or private)	1 stall/employee and 7 stalls/classroom
38	Shopping Center-Community	1 stall / 500 sq. ft.
39	Short-Term Rentals	2.5 stalls/unit; no parking of RVs or travel trailers allowed
40	Theater, Concert Hall, Cinema-Indoor	1 stall / 4 seats
41	Warehousing	1 stall / 1,000 sq. ft. plus parking for any other uses such as manufacturing and office space as calculated herein

10-14-5: LOCATION:

The parking area shall be provided on the same property as the principal building, except for joint or off-site parking as permitted in section 10-14-6. Such separate parking lots shall be maintained as long as the principal buildings or uses are maintained. Except for driveways leading to covered parking, parking spaces in Residential Districts shall not be in a front yard setback as required by setback regulations.

10-14-6: JOINT PARKING FACILITIES:

The off-street parking requirements for uses other than residential dwellings in the commercial and industrial zoning districts, may be supplied with other off-street facilities, provided operations of other uses, such as business offices, retail stores, manufacturing, or wholesale buildings, are not normally conducted during the same hours, and, provided that:

A. Distance: Off-street parking designated for joint use shall not be more than seven hundred feet (700') from the property or use it is intended to serve.

B. Offsite Parking: To satisfy required parking minimums, the applicant must demonstrate perpetuity of parking use and compliance with all requirements herein, including the lack of conflict in operation hours, by submitting a signed agreement, which shall be recorded in the office of the county recorder, or a signed easement, which shall be recorded in the office of the county recorder. The property contemplated for use must be sufficient to meet the requirements herein, as well as fire/emergency and engineering standards. A copy of such agreement or easement shall be submitted to the City prior to recordation and be kept on file in the City office.

C. Purchase Or Lease: A business may purchase a long-term lease of off-street parking from a parking entity (public or private) to provide additional parking, however, this cannot be used to meet minimum parking requirements, except for temporary use events that exceed the parking demands of the use typically conducted on the property.

D. No Conflict: Sufficient evidence shall be presented to the Planning Commission to demonstrate that there will be no substantial conflict in any joint parking arrangement.

10-14-7: PLAN OF PARKING AREAS:

For any parking area, plans should be submitted to the City for investigation and recommendation to the Planning Commission.

10-14-8: LANDSCAPING:

When an area provides parking spaces for more than fifteen (15) vehicles, a minimum of fifteen percent (15%) of the total area of the parking lot shall be used for landscaping and/or aesthetic treatment. This shall only apply to new parking lots, parking lots expanded to fifteen (15) parking stalls, or parking lots servicing a facility with a change in use to a more parking-intensive use.

10-14-9: LIGHTING:

Parking lots may utilize pole-mounted sodium-based or LED lighting. The best practices for containing the light on site should be used. This can be accomplished by using cutoff luminaires or other similar shields. For any parking lot lighting, the following shall apply:

- A. Maximum Light Distribution: The maximum allowed average horizontal luminance level is two (2) foot candles with a four to one (4:1) uniformity ratio over the site.
- B. Light Shielding: Lighting shall be shielded downward and toward the parking lot, and, if any residential dwellings are located within two hundred (200) feet of the lighting source, away from any residential dwellings.
- C. Pole Height; Wattage; Design; Height: Luminaire mounting height is measured from the parking lot surface (finished grade) and may range from fifteen feet (15') to a maximum of twenty-five feet (25'). Lighting intended primarily for pedestrians or near residential uses shall have a pole height at or close (15'), while lighting primarily designed to serve vehicular travel may have an increased height. Review criteria include:
 - 1. Review of the site plan;
 - 2. Proposed land use;
 - 3. Surrounding land uses;
 - 4. Size of the parking area;
 - 5. Size and use of the building;
 - 6. Location of the site with respect to other lighting sources;

7. Impacts to adjacent properties; and
8. Other site features.

D. Parking Area Wattage; Design Standard:

1. Luminaire for fifteen-foot (15') to eighteen-foot (18') poles shall not exceed one hundred watts (100 W) per pole.
2. Luminaire for nineteen-foot (19') to twenty-foot (20') poles shall not exceed one hundred fifty watts (150 W) per pole.
3. Luminaire for twenty-one-foot (21') to twenty-five-foot (25') poles shall not exceed two hundred watts (200 W) per pole.

E. Temperature: The correlated color temperature of all parking lot lighting shall not exceed 3000 degrees Kelvin.

F. Application: An application for the development of off-street parking areas shall contain the following:

1. Plans indicating the location, type, and size of proposed poles; and
2. Installation and electrical details. (Ord. 19-07, 9-3-2019)

10-14-10: SCREENING:

For each boundary line of a business parking area abutting directly on residential use, there shall be a wall, screen fence, or screen planting of a year around nature, of six feet (6') high, except where setback requirements and site distance requirements would limit it.

10-14-11: STOPPING, STANDING, OR PARKING OF A VEHICLE ON PRIVATELY OWNED PARKING AREAS SERVING COMMERCIAL ESTABLISHMENTS:

It shall be unlawful for any person, except authorized personnel, to stop, stand or park a vehicle, whether occupied or not, after business hours, on the parking lots of those businesses who have entered into an agreement with the City or who may hereafter enter into an agreement with the City, for the regulation of such parking on privately owned lots serving commercial establishments.

A. Definitions: As used in this section:

AUTHORIZED PERSONNEL: Shall include, but not be limited to, owners, managers, lessors, lessees, employees, and those people lawfully on the premises by invitation or permission of such authorized personnel.

OFFICIAL TRAFFIC CONTROL DEVICE: All signs, signals, markings, and devices placed or erected by authority of, or at the request of, a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

B. Prohibition: It shall be unlawful for any person to stop, stand or park a vehicle in any place where official traffic control devices prohibit stopping, standing, or parking on public or private property.

C. Agreement To Allow For Enforcement Of Parking Regulations On Private Property: Those businesses who have agreed to allow enforcement of parking regulations on private property have executed an agreement with the City, giving its consent to such enforcement. A copy of each such agreement is on file in the City as an exhibit and incorporated herein by reference.

D. Property Owner Responsible To Post Signs: The City may require each property owner, whose business establishment is subject to this section, to post a sign, approved by the City, prohibiting the stopping, standing, or parking of any unauthorized vehicles on business premises, after business hours.

10-14-12: AMERICANS WITH DISABILITIES ACT ACCESSIBLE PARKING REQUIREMENTS:

Any parking area to be used by the general public shall provide accessible parking spaces designated and located to adequately meeting the requirements of the Americans with Disabilities Act, and these shall be clearly marked as accessible. Accessible parking shall be located in close proximity to the principal building. The designation of accessible parking spaces shall constitute consent by the property owner to municipal enforcement of such spaces. The nature of accessible parking spaces, access aisles, and the number of required accessible spaces shall conform to the standards of the Americans with Disabilities Act. See: <https://www.ada.gov/topics/parking/>