

**Zoning Application 2012-584**

**Shared Parking Provisions**

**Version 4 – June 11, 2012**

**153.120 Parking Spaces Assigned to One Use.**

(B) SHARED PARKING FOR MULTIPLE COMMERCIAL USES ON PREVIOUSLY DEVELOPED PROPERTY. When two (2) or more non-residential, non-institutional uses are located on the same **previously developed** parcel or within a **previously built** multi-use development, and they can provide adequate guarantees that their cumulative parking needs will be less than the total number of parking spaces required for the sum of each individual **current and proposed** use within the parcel or multi-use development, such as when their respective hours of operation do not overlap, then an Alternate Parking Plan may be requested to be approved **by the Zoning Administrator**. ~~When sufficient details are provided by the property owner(s) of all parcels impacted by the Alternate Parking Plan, then the Zoning Administrator, with recommendation of the Town Engineer, may authorize a reduction in the total number of required parking spaces.~~ An Alternate Parking Plan shall include, at a minimum, the following:

1. An accurate scaled site plan drawing showing all buildings, parking spaces, driveway aisles, vehicle and pedestrian access points, and public entrance doorways of each establishment/business space.

2. A parking calculation of required parking for each existing or proposed use within the site, using the parking space standards as listed in the Schedule of Off-Street Parking at 153.117. Where one or more uses are not identified in the Schedule for Off-Street Parking at 153.117, then an explanation of suggested minimum parking space needs shall be provided, with documentation on how these numbers were determined to be appropriate for such use.

3. Any parking spaces proposed to be allocated to a use across a property line, such as between an outparcel and a shopping center, shall be within 400 feet of the main public access doorway of the receiving use. These parking spaces shall be indicated on a scaled drawing. No parking areas included in or impacted by any shared parking provisions for an institutional use shall be included for any shared parking under an Alternative Parking Plan.

~~4. A parking demand analysis that demonstrates how the minimum number of parking spaces as given in the Schedule of Off-Street Parking, 153.117, is excessive for that/those specific use(s). The parking demand analysis shall provide a detailed written explanation on why these uses should be allowed to alter their minimum required parking allocation. The analysis shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Zoning Administrator and Town Engineer, and shall include other reliable data collected from uses or combinations of uses that are the same as or closely compatible in parking demand needs as the proposed site. When using other site(s) as explanation for alternative parking demand, information such as building square footage, seating capacity, employee numbers, hours of operation, and other indications of comparable size and quality of activity must be provided. The study must also document where a comparison site does not share similar operating hours or peak business periods, or is of a substantially different size or scale of operation.~~

~~5. Where an Alternate Parking Plan is requested due to a change in use within the site since its initial construction, then a table showing the site's original parking calculations for its original or anticipated first use(s) must be provided.~~

4. Where calculations for required parking for uses are based on the Schedule of Off-Street Parking at 153.117, the maximum reduction in required parking spaces per business shall be fifteen percent (15%). No more than two uses within the development parcel or multi-use development shall be granted this fifteen percent reduction.

6.5. A statement summarizing the reasons for the request for an Alternative Parking Plan. One or more of the following shall be included, and all that apply shall be indicated:

a. The site is an existing built-out facility that has undergone some change in use resulting in the opportunity to reoccupy vacated commercial space and existing parking lot without expanding impervious land coverage.

b. The site is an existing nonresidential development not involved in or impacted by institutional use shared parking provisions at 153.120(A) or any private shared parking agreements with off-site establishments.

c. One or more existing or proposed uses within the site has unique parking needs substantially different than those required for the use in the Schedule of Off-Street Parking at 153.117, and traffic engineering standards support this alternative parking demand.

d. One or more existing or proposed uses within the site has peak parking demand times significantly different than other uses within the site which clearly support a reduction in total parking space demand for the overall site.

e. The site contains unusual natural features that are being preserved and which would be threatened or eliminated if additional parking spaces were required to be constructed, such as but not limited to steep slopes, streams or environmentally sensitive areas, tree groves, open spaces or landscape elements in excess of required minimum standards.

f. The site is partially built out and future expansion plans are not available at this time, but the undeveloped/underdeveloped portion of the site is reserved for another user through an approved conditional zoning plan.

g. One or all of the land uses for which shared parking is proposed is/are not identified on the Schedule of Off-Street Parking at 153.117, and the Zoning Administrator has determined the proposed parking calculations are appropriate for such use(s).

h. Another reason not specified here. When this reason is offered, an explanation of the specific criteria to justify a parking reduction shall be included.

6. A signed commitment indicating agreement to an Alternative Parking Plan from all property owners within the site. This may be in the form of a recorded cross access and cross parking agreement created for the multi-user site when initially developed, or may be a new agreement between owners.

a. A previously recorded agreement shall state which parking spaces within the site, including across internal property lines, are not restricted to a single user and may be available for shared parking. A copy of the recorded document shall be provided to the Zoning Administrator.

b. A new shared parking agreement

~~7. A signed commitment that a shared parking agreement shall be completed between all property owners within the site in order for the Alternate Parking Plan to be effective. This shared parking agreement shall guarantee the identified parking spaces be maintained and available for shared use as long as the business uses requiring them are in existence. The agreement shall be binding on all property owners and all businesses and establishments within the site, and shall be recorded by the property owner(s) with the Mecklenburg County Register of Deeds, and a copy filed with the Zoning Administrator. The shared parking agreement shall not be amended or rescinded, unless all of the uses requiring the Alternate Parking Plan are no longer located on-site and all property owners agree to the rescission, and after confirmation by the Zoning Administrator that the agreement is no longer necessary.~~



232 Matthews Station Street  
Matthews, NC 28105  
704.847.4411

**ZONING APPLICATION FOR ORDINANCE TEXT CHANGE**

APPLICATION NUMBER 2012-584 DATE FILED March 2, 2012

PETITIONER'S NAME Moseley Real Estate Advisors

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I request consideration of the following change in text of the Matthews Zoning Ordinance:

Requested text change is:

- a change in wording to existing Section(s)
- an addition to Section(s) 153.120
- a deletion of wording at existing Section(s)

Below is the text requested to be changed, added or deleted:

Existing Section 153.120 Proposed Section 153.120B

*(continue on additional page(s) as necessary)*



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**ZONING APPLICATION FOR ORDINANCE TEXT CHANGE**

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What is the intended effect of this request?

To allow for cross access and cross parking rights from outparcel to an adjacent shopping center or adjacent property .

*(continue on additional page(s) as necessary)*

Text Amendment to Section 153.120. Parking:

Outparcel shall have cross access rights for up to 30 percent of its required parking from offsite as long as the overall development required parking has been met, can be from the adjoining shopping center or an adjacent parcel, and is within 200 feet from outparcel. Written approval and agreement of cross access and cross parking by Outparcel Owner, Shopping Center Owner and/or Adjacent Property Owner must be provided to the Zoning Administrator and cannot be terminated without approval by all parties.