

ORDINANCE NO. 35 -14
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member ToAnne Rau on the 18th day of May, 2015.

AN ORDINANCE AMENDING ORDINANCE 14-08,
CHAPTER 1216 OF THE CENTERVILLE MUNICIPAL CODE,
THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY
OF CENTERVILLE, OHIO, TO AMEND SECTION 9.33
PARKING FEE-IN-LIEU.

WHEREAS, the City of Centerville enacted the Unified Development Ordinance (UDO) to establish zoning and land use regulations in the City; and

WHEREAS, the UDO defines requirements for the specific number of parking spaces for employees and customers at businesses within various zoning districts within the City; and

WHEREAS, the City of Centerville has determined that it would be beneficial to provide businesses in the Architectural Preservation District (APD) an option to participate in a Parking Fee in Lieu program that incentivizes a more efficient use of land for commercial purposes while preserving the ambiance and character of the surrounding area; and

WHEREAS, the City of Centerville desires to create a revenue mechanism to fund public parking needs within and adjacent to the APD that would contribute to the City's ability to promote the health, safety and general welfare of the community.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendments to Section 9.33 of the Centerville Unified Development Ordinance are hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

9.33 ~~Reserved.~~ *Parking Fee-in-Lieu.*

- A. Purpose: The Parking Fee-in-Lieu program incentivizes a more efficient use of land for commercial purposes to preserve the ambiance and character of the surrounding area while affording a revenue mechanism for public parking needs.*

B. Applicability: The Parking Fee-in-Lieu program shall be applicable solely within the area defined as the Architectural Preservation District (APD) on the Official Zoning Map of the City of Centerville, and under one or more of the following circumstances:

- 1. New construction of commercial or residential development.*
- 2. Commercial or residential additions to existing buildings whether attached or detached from the main structure.*
- 3. When an alteration or rehabilitation within an existing structure results in an increased parking requirement pursuant to Articles 3.13 and 9.29.*
- 4. When the parking requirement for a permitted or conditional use exceeds the available parking on the premises pursuant to Articles 3.13 and 9.29.*

C. Determination of the fee-in-lieu of parking

- 1. The City Planner shall calculate the required number of parking spaces in accordance with Article 9.29. The City Planner shall communicate the required number of parking spaces to the Applicant. The existence of an active Variance affecting the quantity of required parking spaces shall not be considered for the purpose of determining the fee-in-lieu of parking.*
- 2. The Applicant may request to pay a fee-in-lieu of providing the required number of parking spaces in accordance with the following:*
 - a. At minimum, 50% of the required number of parking spaces shall be provided on the premises in accordance with Articles 3.13 and 9.29.*
 - b. All or a portion of the required parking not to be provided in accordance with part (a) above may be substituted for a one-time fee in the following amounts (2015 dollars):*
 - i. Parking spaces one (1) through five (5): \$2,000 each*
 - ii. Parking spaces six (6) through ten (10): \$3,500 each*
 - iii. Parking spaces eleven (11) and above: \$5,000 each*
 - c. The Parking Fee-in-Lieu amount shall be based upon the following equation:*

$$\text{Parking Fee-in-Lieu} = \text{Aggregate Fee as Calculated from Part (b) above} \times \text{Consumer Price Index as calculated by the Bureau of Labor Statistics}$$

- d. *The fee-in-lieu shall be aggregated and paid in its entirety to the City of Centerville in a form acceptable to the Director of Finance prior to the issuance of a Certificate of Zoning Compliance. The fee is non-refundable.*
- e. *The fee-in-lieu shall be applicable at each issuance of a Certificate of Zoning Compliance for a premises. Credit shall not be granted for previous fee-in-lieu payments applicable to the premises.*
- f. *Payment of a fee-in-lieu of parking does not absolve the developer or property owner from any future obligation to participate in future construction of public parking programs or facilities through additional funding mechanisms (e.g., a local improvement district, tax increment financing, etc.).*

3. *In making a determination on the request, the City Planner shall consider:*

- a. *The extent to which the parking requirements as applied to the subject property overly restrict nominal use of the property;*
- b. *Whether granting the request would have a deleterious effect on other property owners in the immediate area; and*
- c. *Whether granting the request would lead to a better overall result than would strict adherence to the parking requirements of Article 9.29 for the purposes of encouraging appropriate land uses, improving pedestrian circulation, achieving better parking design, and preserving the built environment.*

D. *Limitations of the Parking Fee-in-Lieu program*

- 1. *Funds collected through the Parking Fee-in-Lieu program shall be expended on public parking programs and facilities in the general vicinity of the area(s) listed in Article 9.33(B) above. Payment of a fee-in-lieu of parking is not a guarantee to a developer or property owner that public parking*

programs and facilities will be conducted or constructed for the sole use of or in immediate proximity to that development.

2. *Funds may be expended by the City at any time for one or more of the following purposes, including any process, procedure, or expenditure required thereto:*
 - a. *Construction of a new public parking facility.*
 - b. *Expansion of an existing public parking facility.*
 - c. *Conversion of existing a private parking facility to public use via easement, purchase, or lease.*
 - d. *Infrastructure attributable to a public parking facility, such as signage, lighting, landscaping, and stormwater management facilities.*
 - e. *Pedestrian, bicycle, and transit-related infrastructure.*
 - f. *Public service announcements, advertising, publications, and other non-infrastructure programming pertaining to public parking facilities.*
 - g. *General maintenance, repair, and replacement of any noted above item or facility.*

Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 18th day of May, 2015.

Debra A. James

Mayor of the City of
Centerville, Ohio

ATTEST:

Debra A. James

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 35-14, passed by the Council of the City of Centerville, Ohio on the 18th day of May, 2015.

Debra A. James
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney