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CHAPTER 6-6 OFF-STREET PARKING

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6-601 Purpose.

It is the intent of this chapter is to support the livability and success of the City as a whole through parking supply management. The goals of these regulations is to ensure that all new development will be served by sufficient parking and to improve the management of existing resources to meet the needs of persons employed, residing at or patronizing such land uses. No use shall be established or expanded and no building or structure shall be erected, enlarged or structurally altered, unless parking is provided or the requirement is otherwise fulfilled, as indicated in this chapter.

Additionally, this chapter implements the Downtown Parking Management Strategy that will, when implemented, make all on and off street parking available and accessible to the public while preserving the existing fabric of the downtown and encouraging attractive, small-town development.

6-602 Applicability.

This chapter is applicable to all zoning districts and land use classifications for:

- a) Single Family Residential: New development; demolition and rebuild; expansion or modification to a garage.
- b) Multi-Family Residential: New development; enlargement, expansion or intensification of existing development.
- c) Commercial/Office: New development; enlargement, expansion or intensification of existing development.

This chapter is not applicable to properties that have opted into the Plaza Way Overlay district.

6-603 Definitions.

- a) Accessory uses. Uses incidental and secondary to the principal use within a tenant space.
- b) Calculation of a parking space. Where the computation of required off-street parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.
- c) Electric Vehicle Ready (EV Ready). For the purpose of this chapter, EV ready is preparation for EV charging in the form of a dedicated electrical circuit for each charging spot with a capacity of 220V or more, the installation of conduit and wire required to run electricity to EV charging spots, and electrical panels labeled EV Ready and positioned near where people will park.
- d) Electric Vehicle Supply Equipment (EVSE). Equipment including the conductors (ungrounded, grounded, and equipment grounding the conductors), electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle. EVSE be accompanied by a dedicated electrical circuit for each charging spot with a capacity of 220V or more, the installation of conduit and wire required to run electricity to EV charging spots.
- e) Gross floor area (GFA). For the purpose of this chapter, gross floor area is the total floor area contained within the tenant space as measured to the internal face of the external walls. Gross floor area shall be used in calculating the required parking. No exceptions or exclusions of interior spaces within a tenancy are allowed. Walkways, breezeways and hallways separating individual tenants within a multi-tenant building are excluded.
- f) Mixed use building or mixed use complex. A combination of different use classifications in different tenant spaces on the same parcel or within the same building.
- g) Principal uses. The primary use which makes up the majority of the gross floor area of a tenant space.
- h) Public parking. Parking that is available to the public and not reserved for the exclusive use of the tenant or tenants.

6-604 Parking ratios and requirements

- a) Parking spaces required. Off-street parking spaces for each use shall be provided consistent with the ratios identified in Section 6-604 c. Each new use or change in tenancy requires a parking table to document the number of required spaces and any reductions approved or in-lieu fees paid. For a use not specified in this chapter, the number of required off-street parking spaces shall be determined by the zoning administrator upon an analysis of similar uses.
- b) Mixed Uses. When two or more principal uses are proposed for a property, the number of parking spaces shall be calculated separately for each use, and the results shall be totaled to determine the number of parking spaces required for the property, except as otherwise provided in Section 6-606(b) of this chapter. In cases with accessory uses, parking shall be calculated using the principal use ratio on the full GFA.

c) Parking requirements

Use	Ratio (spaces per 1,000 square feet of gross floor area)
Administrative activity	3.3: 1,000
Administrative civic activity	3.3: 1,000
Animal care commercial activity	3.3: 1,000
Automotive repair and cleaning activity	2.5: 1,000
Automotive sales, rental and delivery activity	3.3: 1,000
Automotive servicing activity	2.5: 1,000
Business and communication service activity	3.3: 1,000
Churches, religious institutions, and parochial and private schools, including nursery schools	10: 1,000
Commercial laundry or dry cleaning activity	3.3: 1,000
Commercial Nurseries	3.3: 1,000
Commercial recreation activity	8: 1,000
Community assembly and education activity, including adult schools	1 per 4 seats plus 3.3: 1000 for office and other ancillary uses
Community buildings, clubs, and activities of a quasi-public, social or fraternal character ; and private recreation facilities, such as golf clubs, swimming pools, and tennis clubs	1 per 4 seats plus 3.3: 1000 for office and other ancillary uses
Construction sales and service activity	3.3: 1,000, plus warehouse and storage 2: 1,000
Consultative service activity	3.3: 1,000
Convenience market activity	3.3: 1,000
Day-care and educational services activity	1 per 6 children plus 1 per employee
Fast-food restaurant activity	10: 1,000
Financial service activity	3.3: 1,000
Firearm sales	3.3: 1,000
Full-service restaurant activity	10: 1,000
General commercial sales and service activity	3.3: 1,000
General food sales activity	3.3: 1,000
General personal service activity, including offices in conjunction with principle use	3.3: 1,000

Sales and service, bulk items including outdoor sales and service	2: 1,000
General retail sales activity	3.3; 1,000
Health care activity	8: 1,000
Home/business furnishings activity	3.3: 1,000
Horse Riding Academy or Horse riding school meeting the requirements of 6-523 and 6-524	8: 1,000
Hospitals, eleemosynary and philanthropic institutions, and convalescent homes	8: 1,000
Hotels and motels activity	1 per room plus 1 per 2 employees
Kennel activity	2: 1,000
Light manufacturing and research activity	2: 1,000
Limited child-care activity	1 per 6 children plus 1 per employee
Local agencies, utilities and pipelines	Unregulated use
Massage Establishment	3.3: 1,000
Medical and Dental Offices and Medical Clinics	3.3: 1,000
Medical service activity	3.3: 1,000
Nursery schools	1 per 6 children plus 1 per employee
Professional Offices and laboratories, such as medical and dental offices and clinics, or offices for attorneys, architects, engineers and individual and family counselors (not including group counseling) such as psychiatrists, sociologists and psychologists	3.3: 1,000
Real estate service activity	3.3: 1,000
Research institutes and laboratories devoted to experimental study such as testing and analyzing	2: 1,000
Sales representatives and goods brokers activity	3.3: 1,000
Self-service laundry or retail dry cleaning activity	3.3: 1,000
Undertaking service activity	3.3: 1,000
Utility distribution and civic service activity	3.3: 1,000

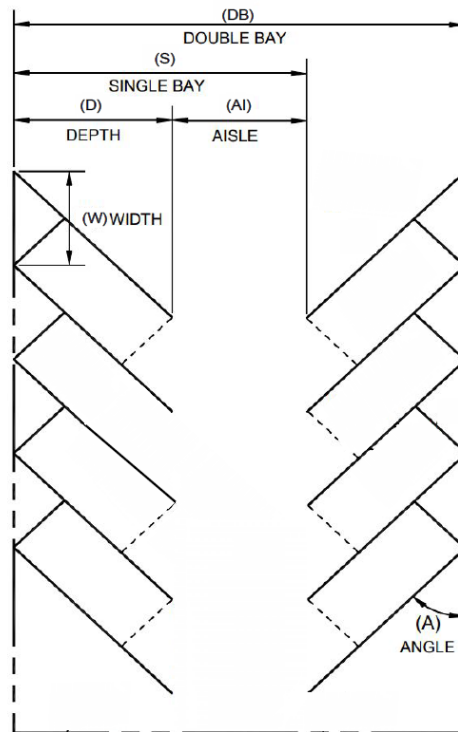
Residential	
Multifamily	<p>One-bedroom, 1.0 space per unit; Two-bedroom, 1.2 spaces per unit; Three or more bedrooms, 1.5 spaces per unit.</p> <p>In addition, one guest parking space shall be provided for each five dwelling units.</p>
Single-family	<p>Every dwelling unit regardless of the number of bedrooms, 2 spaces; LR-10 and LR-5 zoning, 4 spaces SFR w/in ½ mile of BART, 1 space</p>
Accessory dwelling unit	<p>1 per unit or 1 per bedroom, whichever is less.</p> <p>No parking required for conversion of existing structures, ADUs fully incorporated into the existing main unit or for ADUs within ½ mile of BART</p>
Senior housing	<p>1 per resident plus 1 per staff at peak staff hours</p>
Independent living	<p>1 space for each studio or one-bedroom unit. 1.2 spaces for each two-bedroom unit. One guest parking space for every five dwelling units. One parking space for each employee on-site at peak staffing.</p>
Assisted living	<p>0.40 parking spaces per unit and 1 space for each employee on-site at peak staffing.</p>

d) Dimensions

1. Single-Family: Each parking space shall have minimum dimensions of at least 10 feet by 20 feet;
2. Commercial/Office/Multifamily: All parking spaces with 90 degree angles shall have standardized dimensions of 8.5 feet by 18 feet and compact spaces shall have standardized dimensions of 7.5 feet by 15 feet. For parking spaces with angles less than 90 degrees shall have minimum dimensions as set forth in table 6-604(d) below. Parking lots of 10 or more spaces may include compact spaces for employees only. No more than 25% of the parking spaces in any lot shall be reserved for employee compact spaces. For parking spaces adjacent to poles, pillars columns, and structural elements the space shall be widened by 3 feet.

Table 6-604 (d)

Angle	Width (W)	Depth (D)	Aisle (AI)	Single Bay (S)	Double Bay (DB)
0	22.0	8.0	12.0*	20.0	28.0
30	17.0	16.3	12.0*	28.3	44.6
35	14.9	17.0	12.0*	29.0	46.0
40	13.2	17.8	12.0*	29.8	47.6
45	12.0	18.5	12.0*	30.5	49.0
50	11.1	19.0	12.0*	31.0	50.0
55	10.4	19.2	13.0*	32.2	51.4
60	9.8	19.8	15.0*	34.8	54.6
65	9.4	19.5	18.0*	37.5	57.0
70	9.1	19.5	21.0**	40.5	60.0
90	8.5	18.0	26.0*	44.0	62.0



* For one-way aisles only. Minimum width for primary two-way aisles is 26.0 feet and for secondary two-way aisles is 19.0 feet.

** For one-way aisles only. Minimum width for primary two-way aisles is 26.0 feet and for secondary aisles is 21.0 feet.

e) Charging stations required.

Electric Vehicle charging stations are required for new or enlarged multi-family or commercial development. The required charging spaces may count towards the total number of parking spaces required. Each EV space shall be equipped with fully operational Electric Vehicle Supply Equipment (EVSE). Calculations to determine the number of EV spaces shall be rounded up to the nearest whole number.

Electric vehicle calculations are based on the number of required spaces based on the ratios in 6-604(c) regardless of any reductions or mitigations.

1. New multifamily dwellings. For any new multifamily development containing two or more dwelling units, at least five percent of the total number of parking spaces provided for all types of parking facilities, but in no case no less than one parking space, shall be Electric Vehicle charging spaces (EV spaces). The location of each EV space shall be identified on construction documents.
2. Commercial and Office.

Commercial Charging Space Calculations	
Total number of parking spaces required	Required number of EV Charging Spaces
1-9	0
10-25	2
26-50	3
51-75	5
76-100	6
101-200	12
201 and over	6%

f) Bicycle parking required. Bicycle parking shall be provided in addition to all required parking spaces. For mixed use multifamily residential and commercial/office requirements shall be calculated for each use.

1. Bicycle parking shall be provided as follows:

Multifamily residential	1 space for each five units
Commercial/Office uses	<2,000 square feet: No bicycle parking required ≥2,000 square feet: 1 space per each 2,000 square feet
Emergency shelter	1 space for each five beds

2. Bike Parking Design:
 - i. Each bicycle parking space shall provide a secure, stationary, parking device to adequately secure the bicycle frame and one wheel with both wheels left on the bicycle. One such structure may provide multiple bicycle parking spaces.
 - ii. Bike parking shall be located no more than 50', and shall be visible from, the entrance of a commercial use. Signage shall be posted at the entrance of the property indicating the location of bicycle parking.
 - iii. Bike parking for multifamily uses shall be located on the same parcel and fully enclosed or in a secure location.
 - iv. Where multiple retail stores, offices, or related commercial uses operate in close proximity to each other, the property and/or designated business representatives may apply to the city to cluster required bicycle parking spaces in a secure connected bicycle rack or corral, provided this type of parking arrangement can be implemented within reasonable distance to the entrances of all uses.

- g) Loading spaces required.** All new or expanded non-residential buildings over 20,000 square feet shall provide off-street loading spaces which shall be evaluated by the hearing body reviewing the application based on the following criteria:
1. Use, size, and operational characteristics such as hours of operation and type of deliveries needed shall be considered in determining length, width and number of loading zones.
 2. Location of the required loading zone shall not be along the frontage facing Mt. Diablo Boulevard within the Downtown Core.
 3. Each off-street loading space shall be accessible from a public street.
 4. Vertical clearance for delivery vehicle vehicles shall be accommodated.
 5. Loading zones shall be designed such that they can be utilized as a pick up point for car-hailing services when not in use as loading zones.
- h) Location and configuration of off-street parking.**
1. The required spaces shall not be located within any setback or yard area of a principal structure, except for Accessory Dwelling Units.
 2. Mechanical parking lifts are permitted in multifamily and commercial developments and shall be fully enclosed except for ingress and egress. A structure enclosing the lift may be subject to Design Review.
 3. Tandem spaces may be allowed for employee or multifamily residential parking upon approval by the zoning administrator. Not more than 25% of the required number of stalls shall be tandem.
 4. For new development in the Plaza District and Downtown Retail District, parking shall be located behind the new structure to allow for a continuous pedestrian-oriented building frontage, consistent with the Downtown Design Guidelines.
 5. Parking lots and structures in the Plaza District and Downtown Retail District are prohibited on prominent corners along Mt. Diablo Blvd.
 6. Required off-street parking shall normally be provided on the same lot or premises as the main use it serves or on an adjoining lot.
 - i. Where providing parking on the same lot is impractical, the zoning administrator may authorize parking on any parcel of land located within 1,000 feet of the lot containing the main use, except parcels in single-family residential zoning districts.
 - ii. For parking lots in single-family residential zoning districts, the Planning Commission shall act on a land use permit.
 7. Whenever any required off-site parking facilities are located on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of, and on a form provided by, the city, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of proposed use.

6-605 Nonconforming parking supply.

- a) Single Family Residential: Existing single family residences that do not meet current parking requirements are permitted to continue until such time as the residence is demolished and rebuilt or when one or more walls of the non-conforming garage is being modified. In no case shall a non-conforming parking space be made more non-conforming.
- b) Multi-Family Residential: Existing multi-family residential development in the downtown districts that do not meet parking requirements are permitted to continue until there is a change of use or an increase in the number of units.
- c) Commercial/Office: Existing development in the downtown districts that do not meet parking requirements are permitted to continue until there is a change of use or a building expansion. When a change of use or a building expansion warrants the provision of additional parking, those parking spaces required by the increase in demand shall be provided. Commercial and office land uses which do not comply with the parking requirements prescribed in this chapter, shall be permitted to continue for not more than one year from date of vacancy or until such time as development is intensified on the property. Property owners are responsible for providing documentation that demonstrates that the tenant space has been vacant for less than one year.

6-606 Reductions and Exceptions

The reductions to minimum parking requirements provided for in this section are meant to further the goals of the Parking Management Strategy. This section is applicable to multifamily and commercial zoning districts. The reductions must be applied in the order specified below with a primary focus on mitigating the demand for the number of spaces required and better using existing resources. Reductions and exceptions can be additive; however, any reductions exceeding 40% of the total number of spaces required must be reviewed by the Planning Commission through a Land Use Permit.

Table 1 - Reductions and Exception

Reduction or exception method	Maximum percentage reduction of parking requirement	Process
Reductions through implementation of strategy (mitigations)	20%	Zoning Administrator
Shared Parking (off peak hours)	20%	≤ 5 spaces= Zoning Administrator administrative > 5 spaces = Planning Commission by Land Use Permit
Exceptions and payment of in-lieu fee if mitigation or shared parking cannot be achieved	Payment of PDP up to 100% as determined by the Planning Commission	≤ 5 spaces= Zoning Administrator administrative > 5 spaces = Planning Commission by Land Use Permit

- a) Reductions through implementation of the strategy. The zoning administrator may grant reductions up to a maximum of 20% of the parking requirement, without payment of in lieu fees, through any of the following measures implemented and documented on an annual basis, verified by staff.
1. Public Parking: A 10% reduction when a private property owner allows the public unrestricted use of the entirety of the commercial parking on a parcel or in a shopping center. If the property later reverts to private use, the property owner would then become responsible to provide the required parking and/or in lieu fee in effect at the time of the reversion to private use. In a mixed use development, residential parking is not required to be made public in order to qualify for the parking reduction.
 2. Transit: A 5% reduction when a multifamily residential use is located in the downtown within a ½ mile of the BART station.
 3. Employee Parking: A 5% reduction when a property owner or tenant creates a Transportation Demand Management (TDM) program for trip reduction. A TDM program shall contain at least two of the following:
 - i. Providing or contributing 10% of the project cost to a downtown shuttle service.
 - ii. Providing incentives to employees to carpool or use transit like purchasing bulk transit passes or providing free transit passes.
 - iii. Providing shower and clothing locker facilities.
 - iv. Participating in California’s Parking Cash-Out Law.
 - v. Providing or promoting alternative management strategies that demonstrably reduce the demand for employee parking.
 4. Car Share: A 5% reduction when publicly available car sharing services of no less than 3 cars are provided on site in residential or office developments or within a block of the subject site.
- b) Shared parking. When a property owner can demonstrate that two or more uses proposed on a parcel or a shopping center have distinct and different peak hours of parking demand, a reduction of the required number of parking spaces may be allowed.
1. The zoning administrator may act on an application for a reduction of up to 20% of the required number or 5 spaces, whichever is less. The Planning Commission shall act on an application for reductions that exceed 5 spaces through a land use permit.
 2. The reduction may be granted in accordance with the following:
 - i. The amount of reduction shall be determined based on quantitative information provided by the applicant that documents the number of spaces required for each use and the peak hours or parking demand for each use;
 - ii. Approval shall require a recorded restriction running with the land, guaranteeing the proposed uses and hours of operation;
 - iii. Any change to the uses or the hours of operation or peak demand shall be subject to city approval and additional parking facilities may be required if the change to a use will create a greater demand for parking.
- c) Exceptions to required parking When a property owner demonstrates that the parking reduction measures listed above cannot be accomplished or can be only partially accomplished, for reasons including - but not exclusive to –site constraints, a request for an exception to the providing the number of parking

spaces required may be filed.

1. The Zoning Administrator may act on an application for an exception of up to 20% of the required number or 5 spaces, whichever is less, through an administrative process . The Planning Commission shall act on an application for exceptions that exceed 5 spaces through a land use permit and public hearing process.
2. The following criteria shall be considered by the hearing body regarding the request for a parking exception:
 - i. Compliance with the goals of the Parking Management Strategy.
 - ii. Proximity of the property and ease of pedestrian access to BART.
 - iii. The extent of the parking deficiency on the subject property.
 - iv. A parking demand analysis provided by the applicant demonstrating a reduction in parking is warranted.

6-607 Parking development payment.

- a) An off-street parking account is established in the general fund. Revenues credited to the account under Section 6-610 shall be used to manage parking facilities and make all parking in the downtown available and accessible to the public. The management of parking facilities includes the installation of parking meters, enforcement, access agreements and other techniques described in the Parking Management Strategy, and for the acquisition, construction, operation and maintenance of municipally-owned parking facilities.
- b) If the hearing body grants a parking exception as described in Section 6-606(c) it shall impose, among other reasonable conditions, a requirement that the applicant pay into the city's off-street parking account an amount of money, referred to as a parking development payment ("PDP").
- c) The PDP is set by the City Council and published in the planning department fee schedule. The PDP fee is based on the cost of land and improvements for a 350 sq. ft. surface parking space. The surface parking fee is based on the assumptions of land and improvement costs per square foot outlined in the parking fee study. The fee amount shall be reviewed and revised every five years or as recommended in the parking fee study.
- d) Upon approval of an application for an exception, the tendered PDP becomes nonrefundable.
- e) If the PDP cannot be tendered as a lump sum, an applicant may submit a written request to be billed on a yearly basis over three (3) years with an agreement to pay that is recorded against the property. Failure to pay will result in actions consistent with the City's delinquent accounts policy on file with the financial services manager and the revocation of the Planning Commission's approval.
- f) The number of parking spaces for which a PDP has been made shall be credited in processing any subsequent applications for the subject property.

6-608 Parking Lot Design.

- a) All new parking lots shall comply with the design standards contained in this chapter. The purpose of the design standards is to address aesthetic and safety concerns.
 1. Parking lots shall be designed and located in a manner to promote the accumulation, combination, interconnection and mutual use with other existing or planned parking lots on contiguous or nearby properties.

2. Underground parking is preferable to surface parking or garages.
3. Parking lots must comply with the downtown design guidelines.
4. Consideration for future use of the space.

b) Access driveways.

1. All off-street parking facilities shall be designed with appropriate maneuvering areas and means of vehicular access to the main and auxiliary streets.
2. Curb cuts to the street shall be kept to a minimum and cross access between properties is highly encouraged.
3. Driveways shall be so located as to ensure an efficient and safe traffic flow into the parking areas and along the public streets as determined by the City engineer or designee.
4. Where the parking area does not abut on a street, there shall be provided an access drive not less than 12 feet in width in the case of one-way traffic, and not less than 20 feet in width in all other cases, or as determined by the City Engineer.
5. Backing onto streets prohibited. For any new parking lots created pursuant to Section 6-608 located within any of the business and commercial, office and multifamily residential land use districts, parking areas shall be designed so that vehicles are not permitted to back out of the parking areas onto streets.

c) Parking lot landscaping requirements.

1. A planting or landscape strip at least five feet wide shall be provided adjacent to all public street rights-of-way. Low walls, earth berms, dense landscaping, or other similar material shall be used to screen the parking lot from the adjacent street or residential area.
2. A planting strip not less than three feet wide (exclusive of auto overhangs and curbs) shall be provided between parking lots and adjoining buildings, private road easement lines, fences, property lines or other non-street edges of the parking lot, wherever practical.
3. Dead corners and other unused areas shall be landscaped to provide a visual break in the paved area.
4. Parking areas of more than 15 spaces shall provide, within the interior of the lot and in addition to the required perimeter landscaping, an area of planting strips equal to that shown in the following table:

Size of Parking Lot (sq. ft.)	Minimum of Required Interior Planting (% of total area)
0 - 14,999	5.0
15,000—29,000	7.5
30,000+	10.0

5. To be counted in this calculation the area may not include that portion under car overhangs. In addition, the planting strip must have a minimum dimension of five feet.
6. Where total parking provided is located in more than one place on a site separated by at least ten feet of non-paved area, each such area shall be considered a separate facility.
7. Rows of 15 or more adjoining parking spaces shall, in addition to other required landscaping, be interrupted by a landscape area at least five feet in width at intervals no greater than every ten spaces.
8. Trees shall be a major design feature in all parking lots. Canopy trees shall be provided at a maximum spacing of one tree per 27 lineal feet and with a minimum of one tree per four parking

stalls. The final location and spacing of trees is dependent on the type of tree used, but the overall effect should be a relatively consistent tree cover which at maturity will shade the majority of the pavement and vehicles.

9. An automatic irrigation system shall be installed within all landscaped planters and strips. In most cases low-volume spray, bubbler or drip systems will be required.
10. Where a minimum-width planting strip is required by subsection (a) or (b) of this section, and the planter is proposed to be used as an overhang for vehicles, the planter strip shall be increased two feet in width greater than that otherwise required. Vehicle overhangs shall not be permitted over sidewalks or other pedestrian walkways. Measurement of parking lot landscape areas required by this section shall be exclusive of curbing.
11. Site plans and landscape plans for parking lots must also show dumpsters, utility boxes or underground vaults, loading areas, wheel stops if required, and vehicular overhangs.
12. Unless specifically excluded by the city in the design review process, all landscaped areas within or abutting parking lots and access driveways shall be protected by a six-inch-minimum-high concrete curb.
13. Additional requirements may be imposed through the design review procedure.
14. For parking lots of five or less parking spaces, or the addition of five or less spaces to an existing lot the requirements contained in subsection (a) through (k) are advisory rather than mandatory.
15. Landscaping shall be designed to accommodate storm water runoff using current best management practices.
16. When adjacent to a residentially zoned property, screening shall be provided either with fencing or planting, or both, to protect nearby residences from noise, light and other detrimental effects.

d) Pedestrian navigation

1. Dedicated pedestrian paths of travel shall be incorporated in new parking lots. The path may be marked with striping or specialized materials, such as textured or colored paving or other means to delineate the pedestrian right of way. The pathway shall be a minimum width of 3' and take a direct path to a building entrance.

e) Lighting.

1. Lighting, if provided, shall be directed downward and away from residential areas and public streets so as not to produce a glare as seen from such areas, in order to ensure the general safety of other vehicular traffic and the privacy and well-being of the residential areas, and the lighting intensity shall be no greater than reasonably required to light the parking area.

6-609 Maintenance and operation.

All required parking facilities shall be provided and well maintained so long as any uses exist which require the parking facilities. Off-street parking facilities shall not be reduced in total area or in number of parking stalls, except when such reduction is in conformity with the requirements of this chapter.

1. Uses prohibited.

Parking areas shall not be used for automobile sales, storage, repair work, dismantling or servicing of any kind.

6-610 Modifiable sections.

Variance permits to modify the provisions of Sections 6-604(d), 6-604(e), 6-604(f), 6-604(g) and (h), 6-606 (b) and 6-608 inclusive, of this chapter may be granted in accordance with the applicable provisions of Part 1 of this title.