

### 50-37.7 Concurrent use of streets permit.

This Section applies to all applications for construction of a skywalk and to any other application requesting that the city approve the concurrent use of the street surface, right-of-way or the air rights above the street or the land beneath the street, but shall not apply to the following:

1. Use of a portion of a public sidewalk for a café, eating area, transit shelter or bench, or bicycle parking area, or
2. An awning, canopy, marquee or wall sign extending not more than 18 inches into the public street right-of-way, or an awning or canopy of canvas, canvas-like material, nylon or vinyl-costed fabric extending into the public street right-of-way, up to the limits established by Section 50-27;

#### A. Application.

An application for concurrent use of streets shall be filed pursuant to Section 50-37.1.B;

#### B. Procedure.

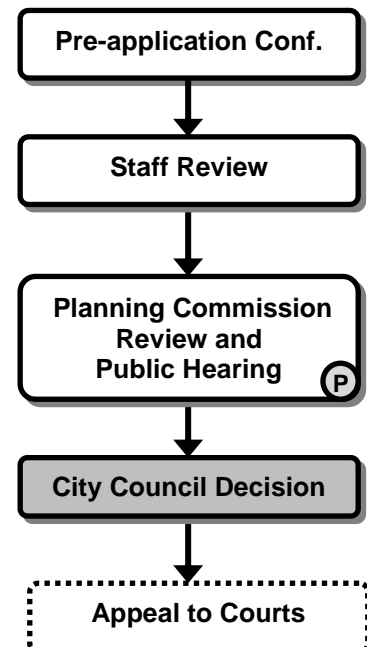
1. Review and recommendation.  
The planning commission shall review the petition, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the application meets the criteria in subsection C below;
2. Council decision.  
Upon receipt of the planning commission recommendation, the council shall make a decision to approve, approve with modifications or deny the application, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;

#### C. Criteria.

The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. For requests for off-street parking in a public street right of way, a concurrent use permit may be granted in the following circumstances:
  - (a) Where overnight on-street parking is prohibited within that portion of the street frontage abutting the property; and
  - (b) Where the distance between the principle structure and the public street right of way is 18 feet or less; and
  - (c) Where access to the side or rear yard is not possible due to the presence of the principle structure and the lack of an improved alley; and
  - (d) Where a site plan has been submitted showing the arrangement of parking, landscaping, and pedestrian access to the property meeting the following standards:
    - (i) The parking area must be at least 9 feet wide by 17 feet deep, including any extension of the parking space from the public right of way into the abutting private property, and must not block existing or proposed public improvements such as sidewalks or streets;
    - (ii) The parking area width must not exceed 55% of the lot width;

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**(P)** Indicates Public Hearing Required

- (iii) The parking area must be improved with bituminous, concrete, or similar materials or pervious paving system;
- (iv) A paved walkway at least 3 feet wide must be provided that links the front entrance of the dwelling and the street;
- (v) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties;
- (vi) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas, such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);
- (e) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;
- (f) The applicant must sign a document acknowledging that private improvements installed in the public right of way may be removed by the City if needed for installation or repair of public improvements or if the applicant violates the terms of the permit.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 51; Ord. No. 10339, 11-24-2014, § 1; Ord. No. 10509, 6-12-17, §5;)