



## GALLATIN COUNTY

January 25, 2017

**Ryan Hamilton**  
Big Sky Town Center  
326 North Broadway  
Bozeman, Montana 59715

**RE: Request for Administrative Determination: Parking Plan Approval (Z2017-046)**

Dear Ryan,

The Gallatin County Planning Department is in receipt of your January 12, 2017 request for Administrative Determination regarding updates to the Big Sky Town Center Parking Regulation, Management Plan and Ordinance. The proposed change involves the creation of 'reserved parking easements' to allow for specific parking spots to be attached to specific uses in Town Center. The proposed change appears to be entirely consistent with the intent of the Town Center Parking District as established by Section 37.11.a of the Gallatin Canyon Big Sky Zoning Regulation.

In accordance with the Findings of Fact approving the Big Sky Town Center Planned Unit Development, amendments to Parking Regulation Management Plan and Ordinance need to be approved by the Zoning Enforcement agent. Upon review of the proposed changes, the Planning Department approves the update, as submitted, to the Big Sky Town Center Parking Regulation, Management Plan and Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Skop". The signature is stylized with a large, looped "S" at the end.

Tim Skop  
Gallatin County Planning Department

C: File

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**2016 REVISED**  
**BIG SKY TOWN CENTER PARKING REGULATION,**  
**MANAGEMENT PLAN, AND ORDINANCE**

***Relationship to Zoning Regulations***

1. The Gallatin Canyon/Big Sky Zoning Regulations are incorporated by reference.
2. This document supersedes Section 34 of the Zoning Regulation, in its entirety, except where this document refers to a specific section of Section 34 of the Zoning Regulation. In these cases, that specific section shall apply.

**CHAPTER 1: GENERAL**

***1.0 Purpose:***

***1.1*** The purpose of this Revised Regulation, Management Plan and Ordinance is:

- 1.1.a.*** To provide parking for the Town Center Commercial District required under Section 34 of the Gallatin Canyon/Big Sky Zoning Regulation, (“The Zoning Regulation”) and under Section 7.11 of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions (“Town Center Declaration”);
- 1.1.b.*** To provide a unified approach to the construction, maintenance and management of parking, and parking-related structures, within the commercial portion of the Big Sky Town Center; and
- 1.1.c.*** To provide surface parking lots and related improvements, including parking structures, garages and carports that meet the needs of the Big Sky Town Center Development without building large areas of underutilized parking.

***2.0 Administration and Enforcement***

This Regulation, Management Plan and Ordinance shall be administered and enforced by the Town Center Parking District (“Parking District”) to whom has been delegated the requisite authority and power by the Town Center Owners Association, Inc. in resolutions contained in the Minutes of the Organizational Meeting of the Town Center Board of Directors, dated April 25, 2002.

***3.0 Definitions***

Carport: Any space outside a building, wholly or partly covered by a roof, used for the shelter of parked motor vehicles.

Owner: Includes multiple Owners.

Parking Lot: Land designated for parking purposes and under the jurisdiction of the Parking District.

Parking Space: All types of parking spaces, including, but not limited to off-street spaces, recreational vehicle spaces, handicap accessible spaces, loading spaces, and parking structure spaces, including, but not limited to, carports and garages.

#### ***4.0 Boundary Map***

The Big Sky Town Center Parking District includes all properties within the blocks and lots of the attached Exhibit A: Parking District Map.

### **CHAPTER 2: PARKING REGULATION**

#### ***1.0 Parking Spaces***

***1.1*** To the extent there is land available, the Parking District shall acquire and provide no less than the minimum number of parking spaces required under Section 34 of The Gallatin Canyon/Big Sky Zoning Regulation and Chapter 3 of the Management Plan (below) for the type of land use proposed by the Owner and/or tenant, taking into account any reduction in required parking due to shared use of parking spaces. Unless otherwise provided by the Parking District, these parking spaces shall be for the common use and benefit of all building owners and tenants, their employees and clientele.

***1.2*** The right to use of all parking spaces required for a proposed land use, including exclusive use of parking spaces, shall be acquired from the Parking District by an Owner of a Lot or condominium unit within the district.

#### ***2.0 Parking Obligations and Assessment***

***2.1*** The right to the use of parking spaces shall be evidenced by an initial and, thereafter, semi-annual payments to the Parking District in an amount equal to the number of parking spaces required for the proposed or existing use multiplied by the then-existing fee per parking space, as determined by the Parking District.

***2.2*** The required, initial parking payment for a proposed use and all fees associated with the assessment shall be required from the Parking District at the time of occupancy.

***2.3*** The initial and semi-annual parking payments represents the percentage obligation for security; enforcement of parking rules and regulations; construction, reconstruction, repair and maintenance of the lots and on-street parking spaces and associated utilities, lighting, striping, signage, security, emergency services, snow plowing of the lots; insurance; and payment of taxes and expenses of administration of the Parking District, including enforcement and attorneys' fees incurred in connection with enforcement of this Regulation,

the Parking Management Plan, all parking rules and regulations established by the Parking District and other services to members of the Parking District, all of which shall be performed and paid for by the Parking District.

2.4 All parking obligations are subject to levy of current and future assessment in such amount and for such purposes as the Parking District may, by resolution, determine, including without limitation, assessments for capital improvements and regular annual maintenance.

2.5 All assessments levied shall be based upon the initial parking assessment and shall be uniform in amount. All assessments shall be adjusted as required to meet changed needs.

### **CHAPTER 3: MANAGEMENT PLAN**

#### ***1.0 Purpose***

1.1 The Purpose of the Parking Management Plan is:

- 1.1.a. To ensure that at any given time the supply of parking spaces satisfies the total demand for parking spaces;
- 1.1.b. To ensure that there is adequate and accessible parking for each building, including the number and location of Accessible Spaces; and
- 1.1.c. To ensure that the total parking supply meets the requirements set forth in the Gallatin Canyon/Big Sky Zoning Regulation.

#### ***2.0 Definitions***

Building Uses: The specific types of use contained within a given building. The term is equivalent to “Land Uses” as used in Section 34: Parking, of the Gallatin Canyon/Big Sky Zoning Regulation.

Gross Building Area: The total area of a building, including, but not limited to all useable and leased space, circulation, storage, and public and common areas on all floors.

Gross Floor Area: Gross Building Area is projected to be 0.85 of the Gross Building Area.

Parking Demand: The total number of parking spaces required for all uses in all buildings within the Parking District.

Shared Parking: The use of a single Parking Space by more than one user of use at different hours of the day or week. This is projected to be equal to 0.85 of the parking demand generated by the Gross Floor Area.

Total Parking Supply: The total number of Parking Spaces that are constructed or maintained by the Parking District.

### ***3.0 Determination of Parking Demand***

**3.1** The Parking District shall maintain and make available to building owners and tenants of the Parking District a current calculation showing the Parking Demand for all approved buildings and corresponding uses within the Parking District. The purpose of the Parking Demand calculation is to provide an accurate and on-going tally of the number of parking spaces needed by all existing and planned development to be used in planning for the construction of the required lots and spaces. The calculation of Parking Demand shall follow the methodology set forth below, and shall be set forth in tabular form similar to the example shown in Table 1. This number shall be equal to the obligation assigned by the Parking District. The calculation of Parking Demand shall be determined on the basis of actual building square footages and mix of uses, and shall be done at the time an application is made for an occupancy permit. Changes in Parking Demand that result from changes in building square footages and/or mixes of uses through remodel, renovation, etc, shall also trigger a new calculation of Parking Demand.

In calculating the Parking Demand:

- A. All calculations shall be rounded to the nearest whole number.
- B. The parking requirements for each use are shown in Table 2, *Minimum Parking Space Standards*, contained in Section 34.10 of the Gallatin Canyon/Big Sky Zoning Regulation.

### ***4.0 Shared Parking***

4.1 Section 34.6 of the Gallatin Canyon/Big Sky Zoning Regulation contains provisions for the reduction of required parking spaces if (1) parking is shared by two or more uses, and (2) the proposed uses have substantially different times of parking demand. The original PUD submittal made in April of 2000 documents how the shared parking calculations were derived. In order to simplify the Parking District's management of shared parking, a 0.85 reduction of the gross floor area parking required is used. Parking requirements for Lodging and Multi-family units shall not be reduced below the standards of the Zoning District.

### ***5.0 Determination of Parking Supply***

5.1 The Parking District shall maintain and make available to all building owners of the Parking District a current calculation of the *Total Parking Supply*, the total of both parking lot and on-street spaces including handicapped, recreational vehicle and loading spaces, constructed or maintained by the District and available for all approved buildings and corresponding uses

within the Parking District. The Total Parking Supply must at all times be greater than or equal to the Shared Parking Demand.

**Table 1**

Existing Entitlements

Use	Building Area (SF)	85% Gross Floor Area	85% Shared Parking Reduction	Parking ratio/sq.ft.	Total
Commercial (retail/office)	299,000	254,150	216,028	3 stalls per 1000 sq.ft.	648
Commercial (restaurant) (1,315 seats)	16,000	13,600	11,560	15 stalls per 1000 sq.ft	173
Commercial (grocery)	20,000	17,000	14,450	4 stalls per 1000 sq.ft.	58
Public/Quasi Public	36,100	30,685	26,082	3 stalls per 1000 sq.ft.	78
Hotel	175	none	none	1 stall/room + 1/employee	219
Multi-family	28 Units	none	none	2 stalls per unit	56
<b>Total</b>					<b>1232</b>

Example: Building or Lot Owner A

Use	Building Area (SF)	85% Gross Floor Area	85% Shared Parking Reduction	Parking ratio/sq.ft.	Total
Commercial (retail/office)	30,000	25,500	21,675	3 stalls per 1000 sq.ft.	65
Commercial (restaurant) (50 seats)	1,000	850	723	15 stalls per 1000 sq.ft	11
Commercial (grocery)	0	0	0	4 stalls per 1000 sq.ft.	0
Public	0	0	0	3 stalls per 1000 sq.ft.	0
Hotel	0	none	none	1 stall/room + 1/employee	0
Multi-family	8	none	none	2 stalls per unit	16
<b>Total</b>					<b>92</b>

Example: Building or Lot Owner A Parking Assessment

	Building/Lot Owner Obligation (spaces)			Total Parking District Obligation (spaces)	Building/Lot Owner Obligation (%)
	92			1232	7.45

**6.0 Standards**

The design and layout of parking spaces shall be governed by the following standards:

On-Street Parking Spaces. Design and layout of On-Street Parking Spaces (i.e., dimensions, spacing, distance from intersections) shall be as shown on the *Parking District Map* (Exhibit A) adopted by the Parking District, the current version of which is part of this document.

Off-Street Parking Spaces. Design and layout of Off-Street Parking Spaces (i.e., dimensions, spacing, aisle widths) shall be shown on the current Map of Designated Parking.

Accessible Parking Spaces. Design and layout of Accessible Parking Spaces shall meet the requirements set forth in the Americans with Disabilities Act, and as shown on the current Map of Designated Parking.

Recreational Vehicle Spaces. Design and layout of Recreational Vehicle Parking Spaces (i.e., dimensions, spacing, aisle widths,) shall be as shown on the Map of Designated Parking.

Loading Spaces. Design and layout of Loading Parking Spaces (i.e., dimensions) shall be as shown on the Map of Designated Parking.

The Parking District shall also adopt standards for the following; loading docks, snow storage areas (average year snowfall and maximum year snowfall), trash storage, and generalized landscaping. The District shall also adopt prototypical drawings illustrating these standards and their interrelationships.

### ***7.0 Structured and/or Underground Parking; Easements***

- 7.1 The Parking District may choose to construct or permit an above ground or underground parking structure if parking demand so warrants. The Parking District may replace any surface parking lots with above ground or underground parking structures, including carports and garages, which shall be subject to design review and approval by the TCOA.
- 7.2 The Parking District is authorized to grant exclusive easements to parking spaces, that are appurtenant to residential units within the Town Center Commercial District, the terms of which shall be subject to negotiation and approval by the Parking District.
- 7.3 The Parking District is authorized to grant exclusive easements to parking spaces for hotels within the Town Center Commercial District, the terms of which shall be subject to negotiation and approval by the Parking District.

### ***8.0 Snow Plowing and Storage***

***8.1*** All required on and off-street parking spaces shall be snow plowed at appropriate times so as to make them available for parking during hours of permitted use. Snow plowed from off-street parking spaces shall be stored at the perimeter of the lot so as not to obstruct required parking spaces. Snow plowed from on-street parking spaces shall be stored where it is out of the way of both traffic and pedestrians. All excess snow plowed from off-street parking spaces may also be stored within the Town Center on lots or open space designated for snow storage.

## **CHAPTER 4: ORDINANCE: PARKING RULES**

### ***1.0 Applicability***

This Ordinance applies to all on and off-street parking spaces owned or administered by the Parking District. Unless provided otherwise, it does not apply to parking spaces owned or administered by others

### ***2.0 General Parking***

**2.1** Parking of a motor vehicle is permitted only in parking spaces designated for such use. Parking of a motor vehicle anywhere else is prohibited.

**2.2** Except only as the Parking District may specially permit, and further except for registered guests of a lodging establishment in the Parking District, no use of any parking space is permitted between the hours of 2:00 a.m. and 6:00 a.m. or for longer than twenty (20) continuous hours in any twenty-four (24) hour period.

**2.3** All regulations regarding type of permitted parking, days and times of use, together with a warning of the consequences of violation thereof shall be conspicuously posted at appropriate locations throughout the District.

### ***3.0 Special Purpose Parking***

#### ***3.1 Accessible Parking***

All Spaces designated for accessible parking are reserved exclusively for parking of a motor vehicle displaying a nationally recognized accessibility sign or symbol issued by the Division of Motor Vehicles of the State of Montana or by an analogous authority of any other state or jurisdiction. Parking of any other motor vehicle in a handicap parking space is prohibited.

#### ***3.2 Freight Loading***

All spaces or docks designated for freight loading are reserved exclusively for loading or unloading of freight originating from, or destined for delivery to, a building owner or tenant that conducts a business use in the building immediately adjacent to such space or dock. Parking of any motor vehicle in such space other than for such use or purpose is prohibited.

#### ***3.3 Overnight and Continuous Parking***

Except for motor vehicles of registered guests of a lodging establishment and condominiums in the Parking District, parking of a motor vehicle in an off street parking space during the hours between 2:00 a.m. and 6:00 a.m. and/or for periods longer than twenty (20) continuous hours during any twenty-four (24) hour period may be permitted only by an annual, special permit (hang tag) issued by the Parking District. Such special permit is valid for a period of one (1) year, is personal to the person or entity to who issued, is not transferable and shall be issued only to the residents of the Parking District for parking of a personal motor vehicle and to such other persons or entities and for such other special purposes as the District may, from time to time, determine is appropriate.

Such permit may restrict the lot or spaces where such permit may be used and/or the days, times or duration of use.

No special permits shall be issued for on-street parking.

#### **4.0 Violations**

**4.1** Any Violation of these Parking Rules constitutes an offense, punishable as follows:

Except as otherwise provided herein below, the following sanctions shall apply to the offense designated:

First Offense – warning

Second Offense - \$10.00 fine;

Third Offense - \$50.00 fine;

Fourth Offense and all offenses thereafter - \$100.00 fine, per offense.

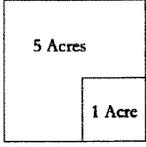
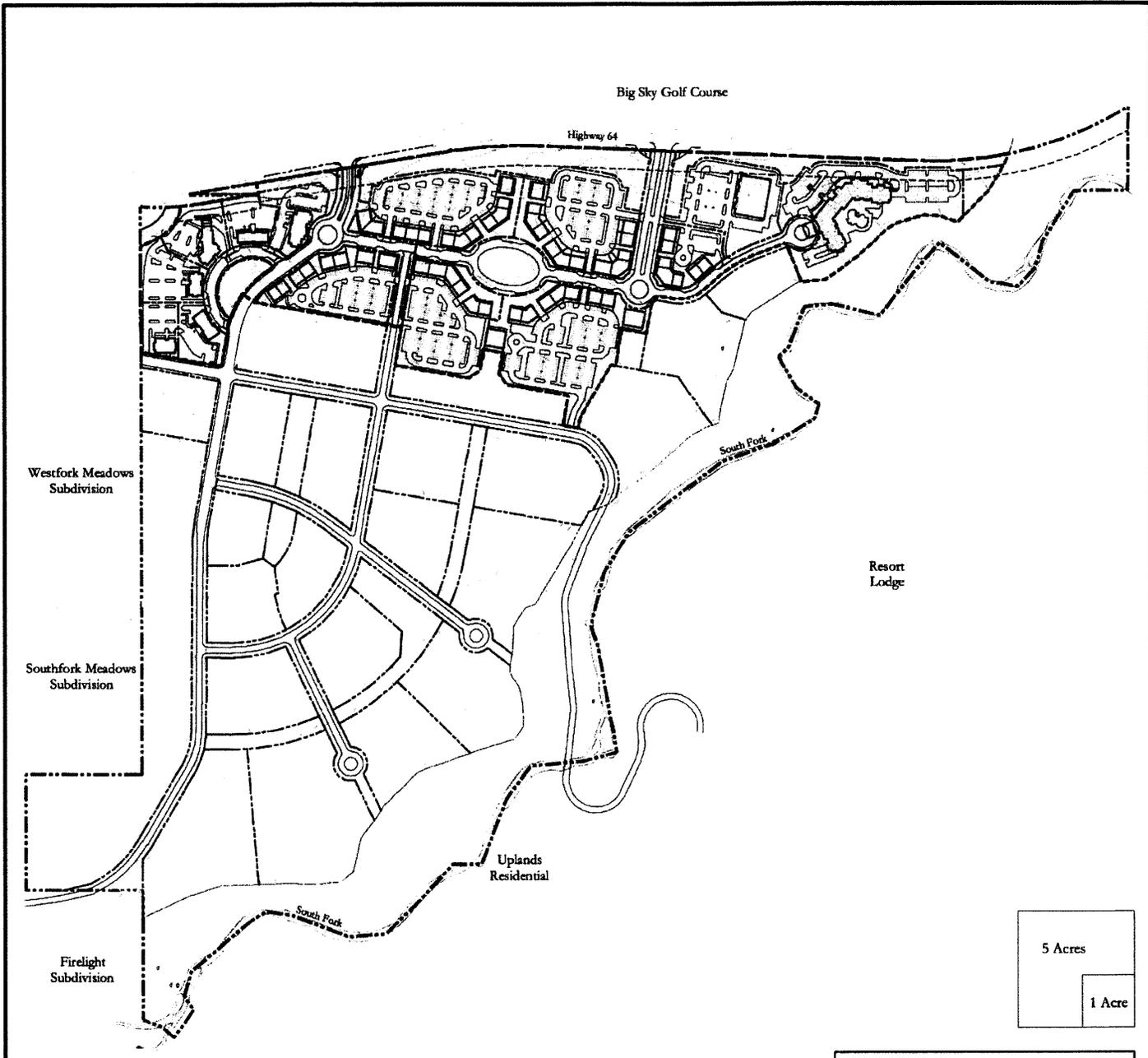
**4.2** All offenses shall be evidenced by a ticket to be issued by an authorized enforcement agent of the Parking District, the fine for which shall be due and payable, in cash, at the office of the Parking District within five (5) days after the issuance. All tickets not paid when due shall thereupon bear interest at the rate of ten percent (10%) per annum until paid. A record of all offenses, the name and address of the offender, the license plate number of the motor vehicle involved, sanctions levied and fines paid shall be kept and maintained by the Parking District.

**4.3** Any repeat offense, being more than three (3) ticketed offenses in any one week, or more than ten (10) ticketed offenses in any consecutive eight (8) week period, shall result in immediate disablement of the vehicle by booting or other appropriate means and/or towing and impoundment. The fine for release of any booted or impounded vehicle is \$500.00 per offense.

### **CHAPTER 5: DISPUTES AND APPEALS**

**1.0** All Disputes arising out of or related to application or enforcement of this Regulation, Management Plan and Ordinance, including, without limitation, all disputes concerning levy of sanctions for violation thereof, is governed by the applicable provisions of the Amended and Restated Big Sky Town Center Declaration of Covenants, Conditions and Restrictions, provided, however, that no appeal is permitted from levy of a sanction for violation of the Ordinance unless the requisite fine had been paid and such appeal is taken within thirty (30) days after issuance of the ticket for the violation.

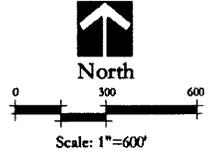
Adopted by Resolution of the Town Center Parking District and effective this 16<sup>th</sup> day of December, 2016.



**Legend**

Parking District

**Exhibit A**  
 Date: March 1, 2004  
 Prepared By: cta  
 File Name: BSTC\_Park.dwg



**Parking District**  
 • Big Sky Town Center •  
 Second Amended PUD Application  
 Simkins Holdings LLC

