

INTRODUCED BY: Councilmember Bwayne Smotherson

DATE: October 28, 2019

BILL NO. 9395

ORDINANCE NO. 7117

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING, BY AMENDING SECTION 400.2130 THEREOF, RELATING TO OFF-STREET PARKING AND LOADING REGULATIONS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

WHEREAS, Chapter 400 of the Municipal Code of the City of University City, Missouri divides the City into several zoning districts and regulates the uses and off-street parking on which the premises located therein may be put; and

WHEREAS, the City Plan Commission in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on October 23, 2019, at 6:30 pm recommended an amendment of Section 400.2130 of the University City Zoning Code, and

WHEREAS, due notice of a public hearing to be held by the City Council in the 5th Floor City Council Chambers at City Hall at 6:30 pm, November 25, 2019, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on November 7, 2019; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment of the Zoning Code were duly heard and considered by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 400 of the Municipal Code of the City of University City, Missouri, relating to zoning, is hereby amended by amending Section 400.2130 – Off-Street Parking and Loading Regulations, which as so amended shall read as follows (where applicable, underlined text is added text and stricken text is removed):

Article 7, Division 4, Section 400.2130

Exceptions To The Minimum Off-Street Parking and Loading Space Requirements.

~~A. Parking Exception For The "CC" District. Division 4 of this Article shall not apply to any re-occupancy or redevelopment of existing buildings or structures, whether or not the new use is similar to the previously permitted use, when located within the "CC" Core Commercial District as indicated on the official Zoning Map of University City. For the purposes of this Section, the term "redevelopment" shall mean:~~

- ~~1. The construction of a new building, or~~

~~2. An addition to an existing building that increases the gross floor area of that building by more than ten percent (10%) of the original gross floor area.~~

~~B. A.~~ *Exception For Places Of Worship.* On-site parking facilities required for places of worship may be reduced by not more than fifty percent (50%) where such facilities are located in a non-residential district and within five hundred (500) feet of public or private parking lots having sufficient spaces to make up for the reduction. The use of an off-site public parking lot may only be authorized under the conditional use permit procedure (see Article XI). The use of an off-site private parking lot shall comply with Section 400.2010(B)(1), and be subject to the approval of the Zoning Administrator.

~~C. B.~~ *Exception For Change Of Use Of Existing Commercial Buildings.* A reduction in the number of required off-street parking and loading spaces for the re-use of a commercial building, existing prior to the effective date of this Chapter, may be authorized under the conditional use permit procedure (see Article XI), subject to the following conditions:

1. The reduction shall not exceed twenty-five percent (25%) of the off-street parking space requirements for the proposed use;
2. No reduction shall be made in the amount of existing available off-street parking spaces on-site;
3. The proposed use does not involve an expansion of the building that would result in additional parking or loading space requirements;
4. Notwithstanding compliance with other standards contained in this Article (e.g., setbacks and landscaping), any portion of the site that can be reasonably converted to off-street parking shall be so used to satisfy a portion of the parking requirement; and
5. The reduction shall not result in "spill-over" parking on adjacent or nearby properties. In making its determination, the Plan Commission and City Council shall consider information on the parking and loading demand associated with the proposed use as presented by the applicant and City staff.

~~D. C. E.~~ *Exception Where Public Parking Is Allocated For Use.* The City Council may allow a reduction in the number of on-site parking spaces required when the building served by such parking is located within five hundred (500) feet of a public parking facility or lot provided a fee is paid to the City for pro rata share of the cost of constructing and maintaining such facility or lot. [Ord. No. 6989 §1, 4-27-2015]

~~E. D. F.~~ *Exception for Shared Parking Arrangements.* Shared parking is an arrangement in which two or more uses with different peak parking periods (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements. Up to 100% of the parking required for one use may be supplied by the off-street parking spaces provided for another use.

1. By conditional use permit, a reduction in the number of parking spaces may be authorized. In issuing a conditional use permit, the City will consider whether the uses;

- a. Are located within 500 (five hundred) feet as the crow flies of the shared parking as measured from the entrance of the use to the nearest point on the property parking space;
- b. Have no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed (see shared parking table in Section 400.2130.E.3 as a guide);
- c. Do not adversely affect surrounding neighborhoods;
- d. Do not adversely affect traffic congestion and circulation; and
- e. Have a positive effect on the economic viability or appearance of the project or on the environment.
- f. Relieved spaces or off-site shared parking spots cannot be located within the SR, LR, MR or HR Zoning Districts.

2. *Application Requirements for Shared Parking.* As a part of the application materials required for a conditional use permit, the applicant seeking shared parking shall submit to the Zoning Administrator the following information as a part of the conditional use permit application:

- a. Proof that the uses of the shared spaces will reflect different peak hours of operation at different times of the day, week, month or year (see shared parking table below);
- b. Proof of the size and types of proposed development or substantial changes, size and type of activities, composition of tenants, rate of turnover for parking spaces, and anticipated peak parking and traffic loads;
- c. Proof that the route from required ADA accessible spaces in shared parking area to the nearest ADA accessible entrance follows an accessible route as defined by the most recent ADA standards;
- d. An agreement providing for the shared use of parking areas, executed by the parties involved including owners of record, that shall include provisions for maintenance, snow removal, ownership, liability and duration of the agreement, and must be filed with the city Department of Pplanning and Ddevelopment director in a form approved by the city Pplanning and Ddevelopment Ddirector.

3. *Shared Parking Table.* The following table shall be used to determine peak hours of operation for proposed shared parking. Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different categories of uses (retail or service, employment, civic, or dwellings) are participating in the sharing agreement and are likely to generate distinctly different times of peak parking demand. Each use should provide a percentage of parking required by these regulations according to the shared parking table below. Whichever time period column requires the highest total parking spaces among the various uses should be the amount of parking provided subject to the shared parking agreement and Plan Commission review. Alternative parking allocations may be approved as a function of

the conditional use permit based on industry data or other sufficient evidence and analysis of peak parking demands for specific uses.

Land Use	Percentage of Required Parking Spaces by Period				
	Monday-Thursday Day and Evening		Friday-Saturday Day and Evening		Nighttime
	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6 AM
EMPLOYMENT	100%	10%	5%	5%	5%
RETAIL OR SERVICE	75%	75%	100%	90%	5%
RESTAURANT	50%	100%	75%	100%	25%
ENTERTAINMENT and RECREATION	30%	100%	75%	100%	5%
PLACE OF WORSHIP*	5%	25%	100%	50%	5%
SCHOOL	100%	10%	10%	10%	5%
DWELLING	25%	90%	50%	90%	100%
LODGING	50%	90%	75%	100%	100%

*Place of Worship parking needs will be considered on a case by case basis as different faiths gather at different days and times during the week.

4. *Duration of agreement.* Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking.

5. *Recording of Agreement.* The agreements must be recorded with the County Recorder. If the uses of either party changes, the CUP is no longer valid unless the Zoning Administrator authorizes the new uses and determines there is compliance with the shared parking table (Section 400.2130.E.3). If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

6. *Revocation of permits.* Failure to comply with the shared parking provisions of the shared parking plan shall constitute a violation of the Zoning Code and shall be cause for revocation of a certificate of zoning compliance and/or building permit.

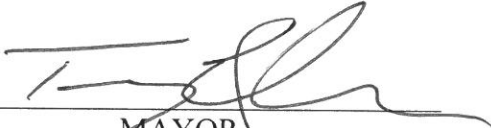
~~F-E.~~ *Exception For Uses Located Near Transit Stations and Stops.* For uses located within five hundred (500) feet of a public transit station or stop, the off-street parking requirements may be reduced by ten percent (10%). The Loop Trolley stops and stations shall not be included in this exception.

Section 2. This ordinance shall not be construed to so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of said Sections mentioned above, nor bar the prosecution for any such violation.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be subject to the penalty provided in Section 100.190 of the Municipal Code of the City of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this 25th day of November, 2019.

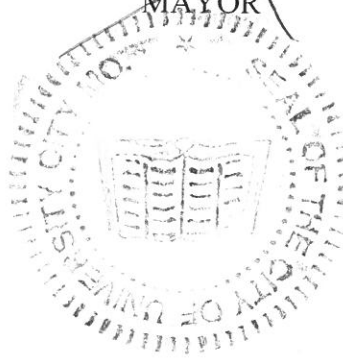


MAYOR

ATTEST:



CITY CLERK



CERTIFIED TO BE CORRECT AS TO FORM:



CITY ATTORNEY