

INTRODUCED BY: Councilmember Steve McMahon

DATE: October 9, 2023

**BILL NO.: 9530**

**ORDINANCE NO.: 7341**

**AN ORDINANCE AMENDING SECTIONS 400.1140 AND 400.2130 OF THE ZONING CODE OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO SUPPLEMENTAL RESIDENTIAL DEVELOPMENT STANDARDS FOR ELEVATOR APARTMENT BUILDINGS, AND EXCEPTIONS TO THE MINIMUM OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, RESPECTIVELY, BY ADDING EXCEPTIONS TO MINIMUM LOT AREA STANDARDS AND PARKING AND LOADING SPACE REQUIREMENTS WHERE THERE IS REUSE OF CERTAIN EXISTING ELEVATOR APARTMENT BUILDINGS IN THE “CC” CORE COMMERCIAL DISTRICT.**

**WHEREAS**, Chapter 400 (Zoning Code) of the Municipal Code of the City of University City, Missouri divides University City into several zoning districts and regulates the uses to which the premises located therein may be put; and

**WHEREAS**, Stone & Alter Real Estate Company applied for a text amendment to Zoning Code Section 400.2130 to allow for a reduction or waiver in the number of off-street parking and loading spaces for the reuse of an existing elevator apartment building in the "CC" Core Commercial District, and a text amendment to Zoning Code Section 400.1140.C.1(b) to provide for an exception the minimum lot area for the reuse of an existing elevator apartment building in the "CC" Core Commercial District; and

**WHEREAS**, at its meeting on August 16, 2023, the City Plan Commission reviewed the application for said Zoning Code text amendments and recommended to the City Council approval of the text amendment; and

**WHEREAS**, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall, 6801 Delmar, University City, Missouri, at 6:30 p.m. on October 23, 2023, was duly published on October 8, 2023 in the St. Louis Countian, a newspaper of general circulation within University City; and

**WHEREAS**, said public hearing was held at the time and place specified in the notice, and all suggestions or objections concerning said text amendments to 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.** Sections 400.1140 and 400.2130 of the Zoning Code of the Municipal Code of the City of University City, Missouri, relating to supplemental residential development standards for elevator apartment buildings, and exceptions to the minimum off-street parking and loading space requirements, respectively, are hereby amended, by adding exceptions to minimum lot area standards and parking and loading requirements where there is reuse of certain existing elevator apartment buildings in the “CC” Core Commercial District, so that said Sections, as so amended, shall read as follows:

Section 400.1140 Elevator Apartment Buildings.

- A. *Development Location.* Elevator apartment developments shall not be completely surrounded by single-family residential neighborhoods. At least ten percent (10%) of the development's boundary shall be adjacent to a major street, a commercial zoning district or a multi-family zoning district.
- B. *Vehicle Access.* Access to an elevator apartment development shall be provided by internal access drives (public or private) intersecting with a major street, but not closer than one hundred fifty (150) feet to an existing street intersection (measured from the centerline of the existing street intersection to the centerline of the access drive).
- C. *Density And Dimensional Regulations.*
  - 1. *Minimum lot area.*
    - a. *Per development.* Twenty thousand (20,000) square feet.
    - b. *Average per dwelling unit.* Five hundred (500) square feet. Exception: This minimum shall not apply to the reuse of an existing elevator apartment building in the "CC' Core Commercial District, provided the building does not exceed four stories in height, all dwelling units are above the ground floor and there is no increase in the total building area used for dwelling units.
  - 2. *Minimum lot width and depth.* One hundred twenty (120) feet.
  - 3. *Minimum building setbacks (including accessory structures).*
    - a. *From street right-of-way.* Thirty (30) feet.
    - b. *Adjacent to "SR" or "LR" zoned property.*
      - (1) *Less than or equal to fifty (50) feet in height.* Twenty-five (25) feet.
      - (2) *Over fifty (50) feet to eighty-six (86) feet in height.* Fifty (50) feet.
      - (3) *Over eighty-six (86) feet in height.* Eighty (80) feet.
    - c. *Adjacent to all other properties.* Twenty-five (25) feet.
  - 4. *Minimum distance between buildings.* No elevator apartment building shall be located closer than seventy-five (75) feet from any other building containing a dwelling unit and located on the same lot.

Section 400.2130 Exceptions to the Minimum Off-Street Parking and Loading Space Requirements.

- 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.

- 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 reuse 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.
- C. 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.
- D. Exception for Shared Parking Arrangements. Shared parking is an arrangement in which two (2) 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 one hundred percent (100%) of the parking required for one (1) 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 five hundred (500) feet as the crow flies of the shared parking as measured from the entrance of the use to the nearest point on the property;
    - 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(D)(3) as a guide);
    - c. Do not adversely affect surrounding neighborhoods;
    - d. Do not adversely affect traffic congestion and circulation;
    - e. Have a positive effect on the economic viability or appearance of the project or on the environment; and
    - 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 the shared parking area to the nearest ADA-accessible entrance follows an accessible route as defined by the most recent ADA standards; and
  - 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 Department of Planning and Development in a form approved by the Planning and Development Director.
  
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 through Thursday Day and Evening		Friday through Sunday Day and Evening		Nighttime 1:00 A.M. to 6:00 A.M.
	6:00 A.M. to 5:00 P.M.	5:00 P.M. to 1:00 A.M.	6:00 A.M. to 5:00 P.M.	5:00 P.M. to 1:00 A.M.	
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 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(D)(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.
- 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.
- F. Exception for Reuse of Existing Elevator Apartment Buildings in the "CC" Core Commercial District. A reduction in the number of off-street parking and loading spaces or waiver thereof may be authorized under the conditional use procedure (see Article XI) for the reuse of an existing elevator apartment building in the "CC" Core Commercial District provided the building does not exceed four stories in height, all dwelling units are above the ground floor and the total building area used for dwelling units is not increased.

**Section 2.** This ordinance shall take effect and be in force from and after its passage as provided by law.

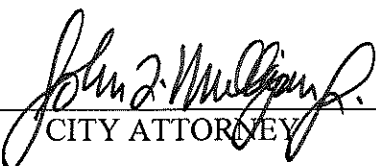
PASSED and ADOPTED this 23rd day of October, 2023.

  
MAYOR

ATTEST:

  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

  
CITY ATTORNEY

