



MORGANTOWN PLANNING COMMISSION

July 14, 2016
6:30 PM
City Council Chambers

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STAFF REPORT

CASE NO: TX16-07 / Administrative / Parking Lot and Parking Structure Uses

REQUEST:

Administratively requested Zoning Text Amendments to Article 1329.02, Table 1331.05.01, Article 1365.04, and Article 1365.07 of the City's Planning and Zoning Code as they relate to parking lot and parking structure uses.

BACKGROUND and ANALYSIS:

The Planning and Zoning Code provides the following definitions in Article 1329.02 for "Commercial Parking Lot" and "Private Parking Lot" uses:

PARKING LOT, COMMERCIAL – A private parking lot that is the stand-alone use of a parcel, and whose stalls are leased to individuals for any length of time.

PARKING LOT, PRIVATE – An open area, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for private use or as an accommodation for clients or customers.

The Planning and Zoning Code also identifies in Table 1331.05.01 "Permitted Land Uses" where these two types of parking lot uses are permitted either by-right or with conditional use approval by the Board of Zoning Appeals.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Parking Lot, Commercial				C		P	P	P				28
Parking Lot, Private			C	C	C	C						

The fundamental distinction between the two parking lot use types, according to their respective definitions, is whether or not the parking lot serves as the principal or stand-alone use of its parcel. However, the current definition for "Private Parking Lots" does not specifically state that the lot must serve the associated principal use of the parcel (e.g., customer and employee parking for a retail sales establishment).

The Permitted Land Uses table adds to the perplexity of determining what a "Private Parking Lot" use is and where it is permitted. Specifically, "Private Parking Lot" uses are permitted with conditional use approval in some districts but not permitted in other districts.

To illustrate this conflict, a "Laundromat" use is permitted by-right in the B-1 District and must provide a minimum number of on-site parking spaces. However, the "Private Parking Lot" use that would satisfy requisite on-site parking necessitates conditional use approval in the B-1 District.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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A better example would be a "Retail Sales Establishment" use permitted by-right in the B-2 District, which is required to provide on-site parking, but not permitted to develop the "Private Parking Lot" in the B-2 District.

The Planning Division does not believe this confusion was intended when the major zoning ordinance re-write was drafted in 2005. Further, Staff believes the text of the Planning and Zoning Code can and should be improved to better distinguish between "principal" use and "accessory" use parking lots so the legislative intent and the regulations are clear and comprehensible.

In so doing, it also appears prudent to address the fact parking structures (e.g., parking decks, parking garages, etc.) are not identified in the Permitted Land Uses table.

Currently, the following supplemental regulations are assigned to "Commercial Parking Lot" uses under Article 1331.06:

(28) In the B-1 district, two-story buildings are permitted uses; however, one-story buildings require a conditional use permit regardless if the proposed land use is a permitted use. In the PRO district, drive-through facilities are prohibited. (Ord. 06-01. Passed 1-3-06.)

With the lack of legislative direction for parking structures in the Planning and Zoning Code, this supplemental regulation has been used to interpret parking structures as vertically layered parking lots. Again, the text of the Planning and Zoning Code can and should be amended to advance a plain language rule.

Addendum A of this report provides proposed text amendments to Article 1329.02 "Definition of Terms" and to Table 1331.05.01 "Permitted Land Uses" intended to clearly define each use type and its permissible locations. Amendments to Articles 1365.04 and 1365.07 simply address changes in terms for a parking lot and new terms relating to parking structures.

STAFF RECOMMENDATION:

Staff respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend the Planning and Zoning Code as presented in Addendum A of this report (deleted matter struck-through; new matter underlined) based on the information and findings presented herein.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

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STAFF REPORT ADDENDUM A

TX16-07 / Admin / Parking Lot and Parking Structure Uses

1329.02 DEFINITIONS OF TERMS.

PARKING LOT, ACCESSORY – An off-street, ground level facility including paved parking spaces and adjacent drives and aisles for maneuvering, access, entrance, and exit; improved in a way to accommodate the parking of four (4) or more motor vehicles for the use of the owners, tenants, lessees, occupants, customers, and/or visitors of the principal use of premises on which the parking lot is located. This term includes deck parking and underground or under-building parking areas; provided, no more than one (1) level of parking area is provided. Accessory parking lot facilities shall be considered a part of the principal use to which it is accessory and, where applicable, shall be restricted by the maximum parking standards of the zoning ordinance.

~~PARKING LOT, COMMERCIAL – A private parking lot that is the stand-alone use of a parcel, and whose stalls are leased to individuals for any length of time.~~

PARKING LOT, PRINCIPAL USE – An off-street, ground level facility including paved parking spaces and adjacent drives and aisles for maneuvering, access, entrance, and exit; improved in a way to accommodate the parking of four (4) or more motor vehicles where the parking lot is either the principal use of the premises or the stand-alone use of the parcel.

~~PARKING LOT, PRIVATE – An open area, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for private use or as an accommodation for clients or customers.~~

~~PARKING STRUCTURE – A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under building parking areas.~~

PARKING STRUCTURE, ACCESSORY – Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two (2) or more levels for the use of the owners, tenants, lessees, occupants, customers, and/or visitors of the principal use of premises on which the parking structure is located and where the parking structure is not the principal use of the premises or the stand-alone use of the parcel. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. This term includes parking spaces that are integrated into a larger structure that houses the principal use of the premises. Accessory parking structure facilities shall be considered a part of the principal use to which it is accessory and, where applicable, shall be restricted by the maximum parking standards of the zoning ordinance.

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PARKING STRUCTURE, PRINCIPAL USE – Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two (2) or more levels, where the parking structure is the principal use of the premises or the stand-alone use of the parcel. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Table 1331.05.01 Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Parking Lot, Commercial				€		P	P	P				28
Parking Lot, Private			€	€	€	€						
Parking Lot, Principal Use				C		P	P	C		P	P	
Parking Structure, Principal Use				C		P	P	C		P	P	28

1365.04 DETERMINING THE NUMBER OF SPACES REQUIRED.

(B) Shared Parking Facilities.

- (1) Shared parking facilities for two or more separate but adjacent buildings or mixed uses may be permitted as a conditional use provided that:
 - (a) The total number of spaces used is not less than the sum required for various buildings or uses if computed separately.
 - (b) That the lot is in the same zoning district as the principal use, or in a district that permits ~~commercial parking lots~~ principal use parking lots or principal use parking structures as a principal or conditional use.
 - (c) Each use of the shared spaces shall function as if having been provided separately.

1365.07 OFF-STREET PARKING FACILITIES.

(A) In Business, Industrial and Multi-Family Districts, the Board of Zoning Appeals may grant Conditional Use Approval to provide required spaces on a site that is:

- (1) Within 300 feet of the principal use, and

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- (2) Within a district that permits ~~commercial parking lots~~ principal use parking lots or principal use parking structures as a principal or conditional use.
 - (3) B-4 District - within 500 feet of the principal use, but not within a residential district or within the B-4 Neighborhoods Preservation Overlay District (B-4NPOD).
- (D) It is the responsibility of the business owner to maintain current and valid parking as required by this Ordinance. Evidence of such parking is required prior to approval and proof of current leases shall be made available at the request of the Planning Director. Each leased space shall have a sign noting the business for which the space is reserved. Signs shall be 12 inches wide by 18 inches tall and shall be mounted between three feet and five feet above the finished surface of the parking stall. The text on the sign shall state "This space is reserved for patrons of [name of the business] only, per City Code 1365.07(D)." All leased stalls shall be improved, paved, and striped. ~~No unimproved stalls shall be used for commercial parking.~~ Leasing of stalls shall not reduce the available parking below the minimum requirement for uses sharing the lot, except in conditions of shared parking as described in Section 1365.04(B) of the City Code.