

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   9    
Filed:   05-24-16  

Sponsored by:   Schilling  

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO.   2016-121  

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 36, Land Development Code,  
2 Division 3.-Administration Enforcement and Review; Subdivision III. -  
3 Review, Appeals and Amendments; Section 36-363 - Conditional use  
4 permits; subsection (3)(g) Contents of application; and subsection (5)  
5 Conditions and restrictions. (Staff Recommends approval.)  
6  
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,  
9 MISSOURI, as follows, that:

10  
11 NOTE: Sections being added are underlined and sections being deleted are  
12 ~~stricken~~.

13  
14 Section 1 – The Springfield City Code, Chapter 36, Land Development Code,  
15 Division 3.- Administration Enforcement and Review; Subdivision III. - Review, Appeals  
16 and Amendments; Section 36-363.- Conditional use permits; subsection (3)(g) Contents  
17 of application; and subsection (5) Conditions and restrictions; is hereby amended as  
18 follows:

19  
20 Sec. 36-363.- *Conditional use permits.*

21 (3) *Contents of application.* An application for a conditional use permit shall be  
22 filed with the department of planning and development. The application shall  
23 contain the following information as well as such additional information as may  
24 be prescribed by rule of the planning and zoning commission or the director of  
25 planning and development.

26 (g) A site plan, pursuant to section ~~36-363~~ 36-360, site plan review, of this  
27 article.

28  
29 Sec. 36-363.- *Conditional use permits.*

30 (5) *Conditions and restrictions.* In granting a conditional use, the planning and  
31 zoning commission may recommend, and the city council may impose such

32 conditions, safeguards and restrictions upon the premises benefitted by the  
33 conditional use as may be necessary to comply with the standards set out in  
34 subsection ~~(6)~~ (10) of this article to avoid, or minimize, or mitigate any  
35 potentially adverse or injurious effect of such conditional uses upon other  
36 property in the neighborhood, and to carry out the general purpose and intent of  
37 this article. Such conditions shall be set out in the ordinance approving the  
38 conditional use permit

39  
40 Section 2 – Severability Clause. If any section, subsection, sentence, clause of  
41 phrase of this ordinance is for any reason held to be invalid, such decision shall not  
42 affect the validity of the remaining portions of this ordinance. The City Council hereby  
43 declares that it would have adopted the ordinance and each section, subsection,  
44 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
45 sections, sentences, clauses, or phrases be declared invalid.

46  
47 Section 3 – Savings Clause. Nothing in this ordinance shall be construed to  
48 affect any suit or proceeding now pending in any court or any rights acquired or liability  
49 incurred nor any cause or cause of action occurred or existing, under any act or  
50 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,  
51 impaired, or affected by this ordinance.

52  
53 Section 4 – This ordinance shall be in full force and effect from and after  
54 passage.

55  
56 Passed at meeting: \_\_\_\_\_

57  
58  
59 \_\_\_\_\_  
60 Mayor

61  
62 Attest: \_\_\_\_\_, City Clerk

63  
64 Filed as Ordinance: \_\_\_\_\_

65  
66 Approved as to form: Achalee T. Weder, Assistant City Attorney

67  
68 Approved for Council action: Guy B. Smith, City Manager  
69  
70

**EXPLANATION TO COUNCIL BILL NO: 2016- 121**

FILED: 05-24-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Subsection 36-363(5), Conditions and restrictions, of Conditional Use Permits in the Zoning Ordinance, to correct references. (Staff recommends approval)

BACKGROUND INFORMATION:

**ZONING ORDINANCE TEXT AMENDMENT – CONDITIONAL USE PERMIT AMENDMENTS**

Planning and Zoning Commission initiated amendments to the Conditional Use Permit subsection of the Zoning Ordinance at their meeting on April 14, 2016.

Staff has found two subsections, 36-363(3) and (5), Conditional use permits, that refer to the wrong subsection of the Zoning Ordinance. In subsection 36-363(3)(g), the subsection references site plan review, but uses the incorrect subsection number. Subsection 36-360 should be identified. In subsection 36-363(5), the referenced number should be subsection (10), the conditional use permit standards subsection in the Zoning Ordinance instead of subsection (6). The proposed amendments will allow the original intent of the references to be applied to these subsections.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB), Commercial Club and all registered neighborhood associations were notified of these amendments and have made no objections to date.

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major; Goal 4, Develop the community in a sustainable manner.

FINDINGS FOR STAFF RECOMMENDATION:

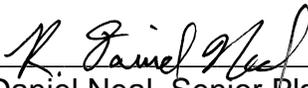
1. The proposed amendments will change an incorrect reference in the Zoning Ordinance and allow for sustainable practices within the community which is consistent with the City's Comprehensive Plan.

REMARKS:

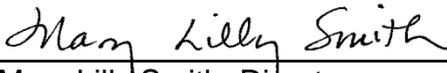
The Planning and Zoning Commission held a public hearing on May 12, 2016, and recommended approval, by a vote of 5 to 0, of the proposed changes to the Zoning Ordinance described in "Exhibit B - Attachment 1."

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:

  
\_\_\_\_\_  
Daniel Neal, Senior Planner

Recommended by:

  
\_\_\_\_\_  
Mary Lilly Smith, Director

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

**EXHIBITS:**

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

**ATTACHMENTS:**

Attachment 1, Proposed Changes to Zoning Ordinance (Redlined Version)

Attachment 2, Final Language after Proposed Changes (Clean Version)

Attachment 3, Existing Language in Zoning Ordinance (Current Text)

**Exhibit A**

**RECORD OF PROCEEDINGS  
Planning and Zoning Commission May 12, 2016**

Conditional Use Permit Amendments

Citywide

**Applicant:** City of Springfield

Mr. Hosmer states that this is a request to Amend Conditional Use Permit Subsection 36-363 (3) and (5). Planning and Zoning Commission initiated amendments regarding conditional use permits at their meeting on April 18, 2016. Staff has found two subsections, 36-363(3) and (5), conditional use permits that reference the wrong subsection of the Zoning Ordinance. In subsection 36-363(3) (g), the subsection should reference site plan review, but uses the incorrect subsection number. This should be subsection 36-360 and not subsection 36-363. In subsection 36-363 (3) the subsection referenced should not be (6) but rather subsection (10) which is the standards subsection in the Zoning Ordinance.

Sec. 36-363. - Conditional Use permits.

(3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.

(g) A site plan, pursuant to section 36-360~~3~~, site plan review, of this article.

(5) Conditions and restrictions. In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10~~6~~) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

Mr. Ray opened the public hearing.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Mr. Rose motions that we approve Conditional Use Permit Amendments (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.



Bob Hosmer, AICP  
Principal Planner

# Exhibit B

## DEVELOPMENT REVIEW STAFF REPORT CONDITIONAL USE PERMIT AMENDMENTS

PURPOSE: To amend Subsection 36-363(5), Conditions and restrictions., of Conditional Use Permits in the Zoning Ordinance to correct references.

REPORT DATE: April 29, 2016

APPLICANT: City of Springfield

### FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will change an incorrect reference in the Zoning Ordinance and allow for sustainable practices within the community which is consistent with the City's Comprehensive Plan.

### RECOMMENDATION:

Staff recommends **approval** of this request.

### COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

### STAFF COMMENTS:

1. Staff has found two subsections, 36-363(3) and (5), Conditional use permits., that refer to the wrong subsections of the Zoning Ordinance. In subsection 36-363(3)(g), the subsection references site plan review, but uses the incorrect subsection number. In subsection 36-363(5) the referenced should be subsection (10), the conditional use permit standards subsection in the Zoning Ordinance, instead of subsection (6). The proposed amendments will allow the original intent of the references to be applied to these subsections.

### CITY COUNCIL MEETING:

May 31, 2016

### STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

## ATTACHMENT 1

### PROPOSED CHANGES TO ZONING ORDINANCE CONDITIONAL USE PERMIT AMENDMENTS

Note: Language to be added is underlined.

Sec. 36-363. - Conditional use permits.

- (3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.
  - (g) A site plan, pursuant to section 36-3603, site plan review, of this article.
  
- (5) *Conditions and restrictions.* In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (106) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

## ATTACHMENT 2

### FINAL LANGUAGE AFTER PROPOSED CHANGES CONDITIONAL USE PERMIT AMENDMENTS

Sec. 36-363. - Conditional use permits.

- (3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.
  - (g) A site plan, pursuant to section 36-360, site plan review, of this article.
  
- (5) *Conditions and restrictions.* In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

## ATTACHMENT 3

### EXISTING LANGUAGE IN ZONING ORDINANCE CONDITIONAL USE PERMIT AMENDMENTS

Sec. 36-363. - Conditional use permits.

- (3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.
  - (g) A site plan, pursuant to section 36-363, site plan review, of this article.
  
- (5) *Conditions and restrictions.* In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (6) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.