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Pgs. 14
Filed: 05-24-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016-122

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 36, Land Development Code, Division
2 5 - Supplemental District Regulations, Section 36-453 - Supplemental
3 open space and yard regulations; Subsection (5)(a)5, Permitted
4 projections and structures in required yards. (Staff Recommends
5 approval.)
6 _____
7

8 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
9 SPRINGFIELD, 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 5 - Supplemental District Regulations, Section 36-453(5)(a)5, Permitted
16 projections and structures in required yards, is hereby amended as follows:
17

18 Sec. 36-543 - Supplemental open space and yard regulations.

19
20 (5) *Permitted projections and structures in required yards.* The following shall
21 not be considered to be obstructions when located in a required yard:

22 (a) In all yards.

23 5. Any retaining wall ~~or solid masonry wall up to two and one-half feet~~
24 ~~high~~ shall be permitted in any required yard.

25
26 Section 2 – Severability Clause. If any section, subsection, sentence, clause of
27 phrase of this ordinance is for any reason held to be invalid, such decision shall not
28 affect the validity of the remaining portions of this ordinance. The City Council hereby
29 declares that it would have adopted the ordinance and each section, subsection,
30 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
31 sections, sentences, clauses, or phrases be declared invalid.

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rights acquired or liability incurred nor any cause or cause of action occurred or existing, under any act or ordinance repealed hereby.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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Achale T. Wadwa*, Assistant City Attorney

Approved for Council action: *Greg B. Smith*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 122

FILED: 05-24-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Subsection 36-453(5)(a)5, Permitted projections and structures in required yards, in the Zoning Ordinance to allow retaining walls that exceed two and one-half (2 ½) feet in all required yards. (Staff recommends approval)

BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – RETAINING WALL AMENDMENTS

Planning and Zoning Commission initiated amendments regarding retaining walls at their meeting on April 18, 2016.

The current Zoning Ordinance allows certain projections and structures such as retaining walls and solid masonry walls to be located in the required setback but they must not exceed a maximum height of two and one-half feet or 30 inches.

Staff in the past has processed several zoning variances because retaining walls exceeded the height requirement in a required yard. In these instances, the lot was on a steep sloping terrain. Staff believes more of these requests will occur in the future because infill properties among other properties on the fringes are typically more challenging to develop due to steep slopes.

The definition of a retaining wall is a structure designed and constructed to resist the lateral pressure of soil when there is a desired change in ground elevation that exceeds the angle of repose of the soil. The walls must resist the lateral pressures generated by loose soils or, in some cases, water pressures. The International Building Code requires retaining walls to be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift; and that they be designed for a safety factor of 1.5 against lateral sliding and overturning. "Exhibit B - Attachment 4."

The difference between a retaining wall and a fence or wall is that a retaining wall must be engineered to withstand lateral pressure of the soil. Any wall that is constructed in a front yard that does not retain soil will be considered a fence and shall be 50% open/screened and four feet in height above yard grade or it will be considered a visual obstruction "Exhibit B- Attachment 5 and Attachment 6."

Staff is proposing to remove the requirement that retaining walls cannot exceed the height of two and one-half (2 ½) feet in all required yards. This will allow both commercial and residential lots to construct retaining walls in the required yards or building setbacks. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain.

Staff is also proposing to remove the solid masonry wall reference from this section. The current fencing/wall requirements for front yards is sufficient to regulate solid masonry walls. Fences or walls in front yard setbacks are required to be 50% open/screened and cannot exceed four feet in height. In the side and rear yards, a fence or wall cannot exceed seven feet in height.

The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) 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 *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.
2. Approval of these amendments will promote infill development where investments have already been made in public services and infrastructure.

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.

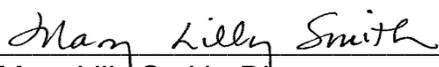
The Planning and Development Staff recommends approval of the proposed amendments.

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)

Attachment 4, Retaining Wall Graphic

Attachment 5, Residential Retaining Wall Image

Attachment 6, Commercial Retaining Wall Image

Exhibit A

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

Retaining Wall Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer states that this is a request to amend Subsection 36-453(5) Supplemental open space and yard regulations (retaining walls).

Planning and Zoning Commission initiated amendments regarding retaining walls at their meeting on April 18, 2016.

The current requirements do not permit any retaining or solid masonry wall in all required yards above two and one half feet (30 inches) in height. Staff is proposing to modify the Permitted projections and structures in required yards section of the ordinance to permit retaining walls in any required yard regardless of height. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain. Any wall that is constructed in a front yard that does not retain soil will be considered a fence and shall be 50% open/screened and four feet in height above yard grade or it will be considered a visual obstruction. In the side and rear yards, a fence or wall cannot exceed seven feet in height. The current fencing/wall requirements for yards are sufficient to regulate solid masonry walls.

Sec. 36-453. – Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(a) In all yards.

5. Any retaining wall ~~or solid masonry wall up to two and one half (2-1/2) feet high~~ shall be permitted in any required yard.

Mr. Ray opened the public hearing.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Rose motions that we approve Retaining Wall Amendments (Citywide). Mr. Cline 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

in required yards., in the Zoning Ordinance to allow retaining walls that exceed two and one-half (2 ½) feet in all required yards.

REPORT DATE: April 29, 2016

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. This amendment will allow both commercial and residential lots to construct retaining walls in the required yards or building setbacks. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain.
2. Approval of these amendments will promote infill development where investments have already been made in public services and infrastructure.

RECOMMENDATION:

Staff recommends **approval** of this request.

COMPREHENSIVE PLAN:

1. 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. Planning and Zoning Commission initiated amendments regarding retaining walls at their meeting on April 18, 2016.
2. The current ordinance allows retaining walls in all yards; however they must be located outside of any required yard setbacks and cannot exceed the maximum height requirements for the site. The current ordinance also allows certain other projections and structures in a required yard setback. Retaining walls and solid masonry walls are one of multiple structures that are allowed in the required yard setback but with a maximum height of two and one-half (2 ½) feet.
3. Staff has processed many zoning variance requests over the past few years because of retaining walls that exceed the height requirement in a required yard.

In these instances, the lot was on a steep sloping terrain. Staff believes more of these requests will occur in the future because infill property is typically more challenging to develop due to steep slopes.

4. The definition of a retaining wall is a structure designed and constructed to resist the lateral pressure of soil when there is a desired change in ground elevation that exceeds the angle of repose of the soil. The walls must resist the lateral pressures generated by loose soils or, in some cases, water pressures. The International Building Code requires retaining walls to be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift; and that they be designed for a safety factor of 1.5 against lateral sliding and overturning. (Attachment 4)
5. The difference between a retaining wall and a fence or wall is that a retaining wall must be engineered to withstand lateral pressure of the soil. Any wall that is constructed in a front yard that does not retain soil will be considered a fence and shall be 50% open/screened and four feet in height above yard grade or it will be considered a visual obstruction (Attachment 5 and 6).
6. Staff is proposing to remove the requirement that retaining walls cannot exceed the height of two and one-half (2 ½) feet in all required yards. This will allow both commercial and residential lots to construct retaining walls in the required yards or building setbacks. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain.
7. Staff is also proposing to remove the solid masonry wall height requirement which is covered by the fencing requirements.
8. The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments and have made no objections to date.

CITY COUNCIL MEETING:

May 31, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1

PROPOSED CHANGES TO ZONING ORDINANCE RETAINING WALL AMENDMENTS

Note: Language to be deleted is ~~stricken~~.

Sec. 36-453. – Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(a) In all yards.

5. Any retaining wall ~~or solid masonry wall up to two and one-half (2-1/2) feet high~~ shall be permitted in any required yard.

ATTACHMENT 2

FINAL LANGUAGE AFTER PROPOSED CHANGES RETAINING WALL AMENDMENTS

Sec. 36-453. – Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(a) In all yards.

5. Any retaining wall shall be permitted in any required yard.

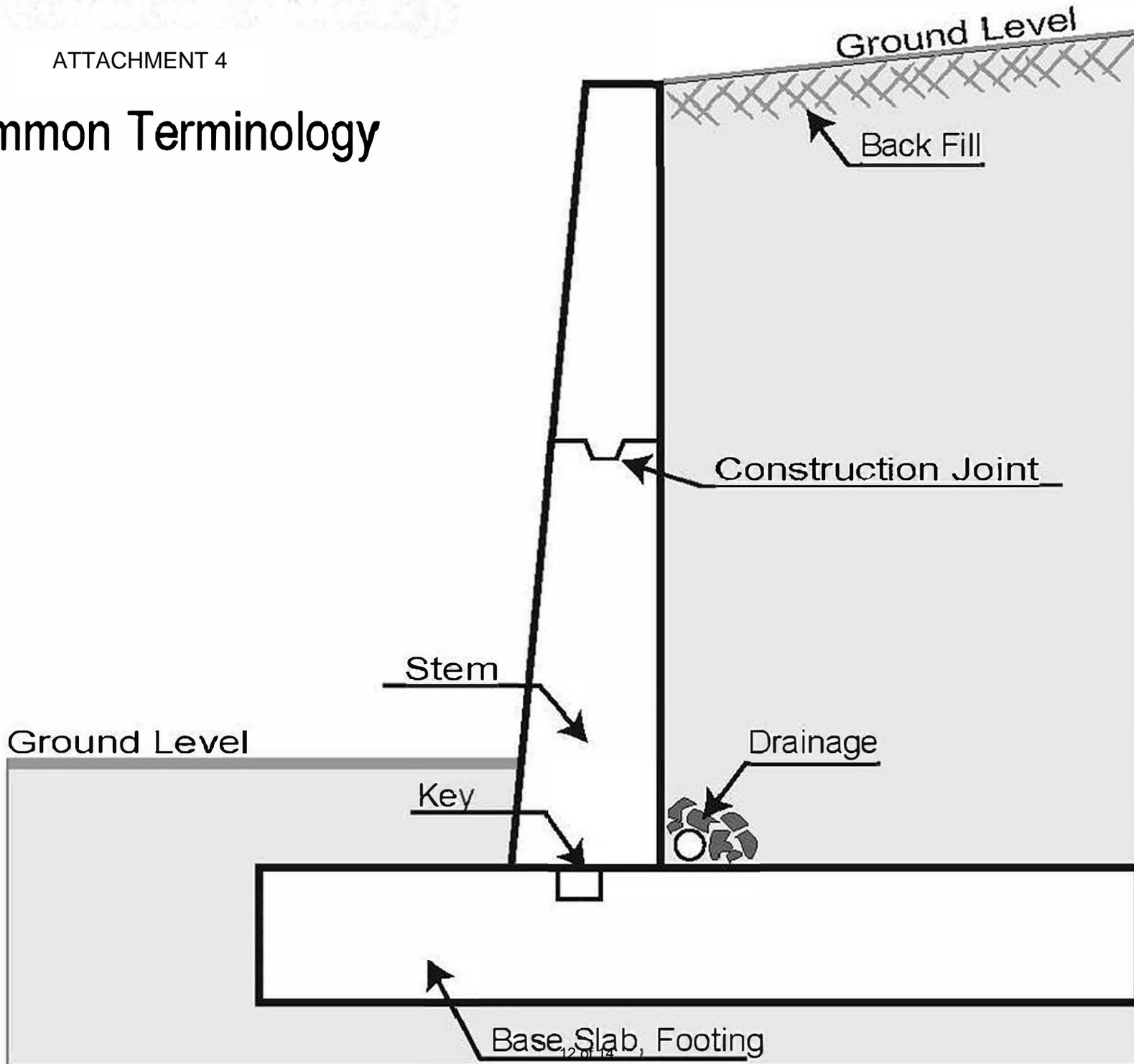
ATTACHMENT 3

EXISTING LANGUAGE IN ZONING ORDINANCE RETAINING WALL AMENDMENTS

Sec. 36-453. – Supplemental open space and yard regulations.

- (5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:
 - (a) In all yards.
 5. Any retaining wall or solid masonry wall up to two-and-one-half (2-1/2) feet high shall be permitted in any required yard.

Common Terminology





Fence in Required
Front Yard Setback

Retaining Wall in
Required Front
Yard Setback

ATTACHMENT 6

Retaining Wall in
Required Yard
Setback

