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P. Hrngs. X
Pgs. 10
Filed: 08-16-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 199

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the Land
2 Development Code, Article II, Division I, by adding a new section concerning
3 proposed amendments entitled "Amendments" thereto, said section to be Section
4 36-214.
5 _____
6

7 WHEREAS, certain amendments to the current Springfield City Code Chapter 36 are
8 needed.
9

10 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
11 SPRINGFIELD, MISSOURI, as follows, that:
12

13 Section 1 – Chapter 36 of the Springfield, Missouri City Code, known as the Land
14 Development Code, Article II - Subdivision Regulations, Division I - Generally, is hereby
15 amended by adding a new section thereto, Section 36-214 to be set out as follows (Note:
16 Underlined language is to be added. ~~Stricken~~ language is to be removed):
17

18 Sec. 36-214. – Amendments.
19

20 (1) For the purpose of providing for the public health, safety and general welfare, the City
21 Council may from time to time amend the provisions imposed by this article. Public
22 hearings on all proposed amendments shall be held by the planning and zoning
23 commission and be approved or rejected by City Council.
24

25 Section 2 – This ordinance shall be in full force and effect from and after passage.
26

27 Passed at meeting: _____
28

29 _____
30 Mayor

31 Attest: _____, City Clerk
32

33 Filed as Ordinance: _____
34

35 Approved as to form: Franklin Don Bonin II, City Attorney
36

37 Approved for Council action: [Signature], City Manager
38

EXPLANATION TO COUNCIL BILL NO: 2016-199

FILED: 08-16-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To add a new Section 36-214 in the Subdivision Regulations to add an amendment process. (Planning and Zoning Commission and staff recommend approval).

BACKGROUND INFORMATION: SUBDIVISION REGULATION TEXT AMENDMENT – AMENDMENT PROCESS AMENDMENTS

The current Subdivision Regulations do not have a process for amendments to the regulations. State Statutes Section 89.410 states that the planning commission shall recommend and the City Council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. Staff is proposing to add a section to the Subdivision Regulations, entitled “Amendments,” that follows the current process and Missouri Law where any amendments must be recommended by Planning and Zoning Commission at a public hearing and reviewed and approved as an ordinance by City Council. This will clarify the Subdivision Regulations amendment process for staff and citizens.

The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments on July 20th and have made no objections to date.

This ordinance 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:

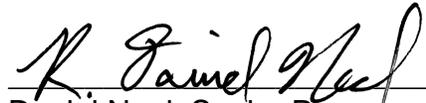
1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* recommends making land use and development decisions in a reasonable, responsible, predictable manner based on approved plans and ordinances.

REMARKS:

The Planning and Zoning Commission held a public hearing on August 4, 2016, and recommended approval, by a vote of 6 to 0, of the proposed changes to the Subdivision Regulations.

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

Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Planning 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 Subdivision Regulations (Redlined Version)

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

Attachment 3, Existing Language in Subdivision Regulations (Current Text)

Exhibit A

**RECORD OF PROCEEDINGS
AMENDMENT PROCESS AMENDMENTS**

Subdivision Regulation Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer states that this is a request to amend Section Subsection 36-247.(1) and (2), Lots., add a new Section 36-214 in the Subdivision Regulations to modify lot dimension and location requirements and add an amendment process.

Staff is requesting amendments to allow for a process to amend the Subdivision Regulations. The current Subdivision Regulations do not have a process for amendments to the regulations. State Statutes Section 89.410 states that the planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. Staff is proposing to add a new section to the Subdivision Regulations that follows the current process and meets State Statutes where any amendments must be recommended by Planning and Zoning Commission and approved by the City Council. This will clarify the Subdivision Regulations amendment process for staff and citizens. The second amendment addresses the minimum lot size and width conflicts with current zoning code requirements. Staff is proposing to amend Section 36-247(1) of the Subdivision Regulations to simply reference the Zoning Ordinance for required lot dimension minimums.

The third amendment clarifies what constitutes a valid subdivision lot. Staff is proposing to remove the term "full" from the lot location requirements and replace it with "required". The proposed amendment will allow a lot to be created if the lot has the minimum required width, as designated in the Zoning Ordinance, on a publicly dedicated street or a street that has received legal status.

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

Sec. 36-214. – Amendments

- (1) For the purpose of providing for the public health, safety and general welfare, the city council may from time to time amend the provisions imposed by this article. Public hearings on all proposed amendments shall be held by the planning and zoning commission and the city council.

Sec. 36-247. – Lots.

- (1) Dimensions. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (a) Lot dimensions shall conform to the requirements of the zoning article if such requirements are more stringent, otherwise lot dimensions shall be as follows:
1. Residential lots shall be not less than the minimum width and area as permitted in the zoning ordinance ~~6,000 square feet in area and shall not be less than 50 feet in width at the building line.~~
 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated but in no case shall the lot frontage on a public street be less than 36 feet.

(2) Location. All lots shall abut by their required full frontage on a publicly dedicated street or a street that has received legal status as such.

Mr. Ray opened the public hearing.

No Speakers

Mr. Ray closed the public hearing and noted that this is a common sense remedy.

COMMISSION ACTION:

Mr. Doennig motions that we approve the consent item Subdivision Regulation Amendments (Citywide). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ogilvy, Edwards, and Rose.

Bob Hosmer, AICP
Principal Planner

Exhibit B

PURPOSE: To amend Subsection 36-247.(1) and (2), Lots., and add a new Section 36-214 in the Subdivision Regulations to modify lot dimension and location requirements and add an amendment process.

REPORT DATE: July 27, 2016

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* recommends making land use and development decisions in a reasonable, responsible, predictable manner based on approved plans and ordinances.
2. 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.
3. Approval of these amendments will clarify, remove inconsistencies and provide more flexibility in the subdivision review process.

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. Staff recommends three amendments to the Subdivision Regulations.
2. The first amendment outlines the process for amending the Subdivision Regulations. The current Subdivision Regulations do not have a process for amendments to the regulations. State Statutes Section 89.410 states that the planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. Staff is proposing to add a section to the Subdivision Regulations that follows the current process and State Statutes where any amendments must be recommended by Planning and Zoning Commission at a public hearing and reviewed and

approved as an ordinance by City Council. This will clarify the Subdivision Regulations amendment process for staff and citizens.

3. The second amendment addresses minimum lot size and width. The current Subdivision Regulations require all residential lots to have at least 6,000 square feet of area and a minimum lot width of 50 feet; however, the Zoning Ordinance allows residential lots in the R-TH, Residential Townhouse District to have 5,000 square foot lots with 45 feet of lot width. There are also Cluster Subdivision provisions that allow sizes and widths to be reduced below minimums. Staff is proposing to amend Section 36-247(1) of the Subdivision Regulations to simply reference the Zoning Ordinance for required lot dimension minimums.
4. The third amendment clarifies what constitutes a valid subdivision lot. The proposed Subdivision Regulations amendments recommends removing the term “full” from the lot location requirements and replacing it with “required”. Staff has processed numerous subdivision variances over the years when a lot line makes a slight deviation that causes the proposed lot to not have public street frontage along the entire or "full" front of a lot. The proposed amendment will allow a lot to be created following the subdivision process if the lot has the minimum required width, as designated in the Zoning Ordinance, on a publicly dedicated street or a street that has received legal status as such. This will allow more flexibility for the applicant and staff when reviewing an oddly shaped lot.
5. The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments on July 20th and have made no objections to date.

CITY COUNCIL MEETING:

August 22, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
PROPOSED CHANGES TO SUBDIVISION REGULATIONS
LOT DIMENSION AND LOCATION AMENDMENTS

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

Sec. 36-214. – Amendments

(1) For the purpose of providing for the public health, safety and general welfare, the city council may from time to time amend the provisions imposed by this article. Public hearings on all proposed amendments shall be held by the planning and zoning commission and the city council.

Sec. 36-247. – Lots.

- (1) Dimensions. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - (a) Lot dimensions shall conform to the requirements of the zoning article if such requirements are more stringent, otherwise lot dimensions shall be as follows:
 1. Residential lots shall be not less than the minimum width and area as permitted in the zoning ordinance~~6,000 square feet in area and shall not be less than 50 feet in width at the building line.~~
 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated but in no case shall the lot frontage on a public street be less than 36 feet.
- (2) Location. All lots shall abut by their ~~required~~full frontage on a publicly dedicated street or a street that has received legal status as such.

ATTACHMENT 2
FINAL LANGUAGE AFTER PROPOSED CHANGES
LOT DIMENSION AND LOCATION AMENDMENTS

Sec. 36-214. – Amendments

- (1) For the purpose of providing for the public health, safety and general welfare, the city council may from time to time amend the provisions imposed by this article. Public hearings on all proposed amendments shall be held by the planning and zoning commission and the city council.

Sec. 36-247. – Lots.

- (1) Dimensions. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - (a) Lot dimensions shall conform to the requirements of the zoning article if such requirements are more stringent, otherwise lot dimensions shall be as follows:
 1. Residential lots shall be not less than the minimum width and area as permitted in the zoning ordinance.
 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated but in no case shall the lot frontage on a public street be less than 36 feet.
- (2) Location. All lots shall abut by their required frontage on a publicly dedicated street or a street that has received legal status as such.

ATTACHMENT 3
EXISTING LANGUAGE IN SUBDIVISION REGULATIONS
LOT DIMENSION AND LOCATION AMENDMENTS

Secs. 36-214–36-220. – Reserved.

Sec. 36-247. – Lots.

- (1) Dimensions. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - (a) Lot dimensions shall conform to the requirements of the zoning article if such requirements are more stringent, otherwise lot dimensions shall be as follows:
 1. Residential lots shall be not less than 6,000 square feet in area and shall not be less than 50 feet in width at the building line.
 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated but in no case shall the lot frontage on a public street be less than 36 feet.
- (2) Location. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received legal status as such.