

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   10    
Filed:   10-25-16  

Sponsored by:   Fulnecky  

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

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

COUNCIL BILL NO.   2016- 243  

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

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the Land  
2 Development Code, Article III – ‘Zoning Regulations,’ Division 1 ‘Intent,  
3 Purpose and General Provisions,’ Section 36-303(30)(b) ‘Utilities.’  
4  
5

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

9 Section 1 – Chapter 36 of the Springfield, Missouri, City Code, known as the  
10 ‘Land Development Code,’ Article III – ‘Zoning Regulations,’ Division 1 – ‘Intent,  
11 Purpose, and General Provisions,’ Section 36-303(30)(b) ‘Utilities’ – is hereby  
12 amended as follows (Note: Underlined language is to be added. ~~Stricken~~ language is to  
13 be removed):  
14

15 (30) Utilities.  
16

17 (b) Utility substation facilities. Utility substation facilities shall be  
18 permitted in any district and shall comply with the following  
19 requirements:  
20

- 21 1. All utility substation facilities are exempt from the height  
22 requirements of this article but shall meet all other lot size, bulk,  
23 and open space requirements of this article.  
24
- 25 2. When the facility is not contained within an enclosed building, a  
26 fence or wall at least eight feet high shall be provided. ~~If the~~  
27 ~~building, fence, or wall is painted, neutral colors shall be used.~~ The  
28 fence or wall shall meet the front setback requirements of the  
29 district up to a maximum of 25 feet. If a chainlink security fence is  
30 provided and a front setback is required, a vegetative screen that  
31 will reach the height of the fence within three years after planting  
32 shall be planted between the fence and the street. A vegetative  
33 screen is not required if the chainlink security fence is more than

34 100 feet from the property line.

35  
36 Section 2 – This Ordinance shall be in full force and effect from and after  
37 passage.

38  
39 Passed at meeting: \_\_\_\_\_

40  
41  
42 \_\_\_\_\_  
43 Mayor

44  
45 Attest: \_\_\_\_\_, City Clerk

46  
47 Filed as Ordinance: \_\_\_\_\_

48  
49 Approved as to form: Franklin Dyer Bonner II, City Attorney

50  
51 Approved for Council action: [Signature], City Manager

## EXPLANATION TO COUNCIL BILL NO: 2016- 243

FILED: 10-25-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Chapter 36 of the Springfield, Missouri, City Code, known as the Land Development Code, Article III – ‘Zoning Regulations,’ Division 1 ‘Intent, Purpose and General Provisions,’ Section 36-303(30)(b) ‘Utilities’ in the Zoning Ordinance and to remove the requirement for a neutral color to be used on facility buildings, fences or walls. (Staff and Planning and Zoning Commission recommend approval).

### BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – UTILITY SUBSTATION FACILITIES AMENDMENTS

Planning and Zoning Commission initiated amendments regarding utility substation facilities at their meeting on September 1, 2016.

Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted, that neutral colors shall be used. This language is vague and ambiguous. In addition, there are situations where alternate colors may be appropriate and staff requests that utility substations should not be limited to using neutral colors on all facilities.

Staff is proposing to modify the Utility substation facilities design standards section (36-303.(30)(b) of the Zoning Ordinance to remove the paint color requirement.

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.

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:

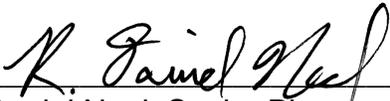
1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

### REMARKS:

The Planning and Zoning Commission held a public hearing on October 13, 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)

**Exhibit A**

**RECORD OF PROCEEDINGS  
UTILITY SUBSTATION FACILITIES AMENDMENTS**

Utility Substation Facilities Amendments

Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request for Text Amendments to Section 36-303. (30) (b) Utility Substations Facilities. Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted that neutral colors shall be used.

Staff believes there are situations where alternate colors may be appropriate and proposes to modify this section of the Zoning Ordinance to remove the paint color requirement. Staff recommends approval.

Sec. 36-303. – General provisions. Note: Language to be deleted is stricken. Language to be added is underlined.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.

2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence, or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chain link security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chain link security fence is more than 100 feet from the property line.

Mr. Ray opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Rose motioned that we approve Utility Substation Facilities Amendments (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

  
\_\_\_\_\_  
Bob Hosmer, AICP  
Principal Planner

## Exhibit B

PURPOSE: To amend Subsection 36-303.(30)(b)2., Utility substation facilities., in the Zoning Ordinance to remove the requirement for a neutral color to be used on facility buildings, fences or walls.

REPORT DATE: September 28, 2016

APPLICANT: City of Springfield

### 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.

### 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 utility substation facilities at their meeting on September 1, 2016. Staff is proposing to modify the Utility substation facilities design standards section (36-303.(30)(b)) of the Zoning Ordinance to remove the paint color requirement.
2. Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted that neutral colors shall be used. This language is vague and ambiguous. In addition, there are situations where alternate colors may be appropriate and that utility substations should not be limited to using neutral colors on all facilities.
3. 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  
October 31, 2016  
STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

**ATTACHMENT 1**  
**PROPOSED CHANGES TO ZONING ORDINANCE**  
**UTILITY SUBSTATION FACILITIES**

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

Sec. 36-303. – General provisions.

(30) Utilities.

- (b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:
1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
  2. ~~When the facility is not contained~~ within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence, or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.

## ATTACHMENT 2

### FINAL LANGUAGE AFTER PROPOSED CHANGES UTILITY SUBSTATION FACILITIES AMENDMENTS

Sec. 36-303. – General provisions.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.

## ATTACHMENT 3

### EXISTING LANGUAGE IN ZONING ORDINANCE UTILITY SUBSTATION FACILITIES AMENDMENTS

Sec. 36-303. – General provisions.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.