

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. 1-25-10
Pgs. 16
Filed: 1-19-2010

Sponsored by: O'Neal

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2010- 033

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Article I, Springfield Land Development Code, Division IV, District
2 Regulations to reduce front yard setbacks in commercial and industrial
3 districts. (Both Planning and Zoning Commission and staff recommend
4 approval.)
5
6
7

8 WHEREAS, City Council initiated an amendment to the Zoning Ordinance to
9 reduce front yard setbacks in commercial and industrial districts by passage of
10 Resolution No. 9558 on December 11, 2007; and
11

12 WHEREAS, following proper notice, a public hearing was held before the
13 Planning and Zoning Commission on January 7, 2010, and the said Commission has
14 made its recommendation with respect to such an amendment, which is contained
15 within this bill.
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 – The Land Development Code, Article I, Zoning Ordinance, Division IV,
21 District Regulations, Section 4-2000, O, Office Districts, is hereby amended by
22 repealing Subsections 4-2005.C.1, Bulk and Intensity of Use Restrictions, Minimum
23 yard requirements, and enacting in lieu thereof a new Subsection 4-2005.C.1, which
24 new Subsection 4-2005.C.1 shall read as follows:
25

26 **Section 4-2005. Bulk and Intensity of Use Restrictions.**

27
28 C. Minimum yard requirements (additional bufferyard may be required by
29 *Subsection 4-2008*):
30

- 31 1. Front yard: ~~Twenty-five (25) feet or as required by Section 5-1300.~~
32
33 a. Twenty-five (25) feet along a street classified as a collector or
34 higher classification street or as required by Section 5-1300.
35
36 b. Fifteen (15) feet along a street classified as a local street or as
37 required by Section 5-1300.
38
39 c. The front yard setback may be reduced below the minimum
40 required above if a conditional use permit is approved in
41 accordance with Section 3-3300 or an approved preliminary plat in
42 accordance with the City's Subdivision Regulations.
43
44

45 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

46
47
48 Section 2 - The Land Development Code, Article I, Zoning Ordinance, Division
49 IV, District Regulations, Section 4-3000, LB, Limited Business District, is hereby
50 amended by repealing Subsections 4-3005.C.1, Bulk and Intensity of Use Restrictions,
51 Minimum yard requirements, and enacting in lieu thereof a new Subsection 4-3005.C.1,
52 which new Subsection 4-3005.C.1 shall read as follows:
53

54
55 **Section 4-3005. Bulk and Intensity of Use Restrictions.**

56
57 C. Minimum yard requirements (additional bufferyard may be required by
58 *Subsection 4-3008*):

- 59
60 1. Front yard: ~~Twenty-five (25) feet or as required by Section 5-1300.~~
61
62 a. Twenty-five (25) feet along a street classified as a collector or
63 higher classification street or as required by Section 5-1300.
64
65 b. Fifteen (15) feet along a street classified as a local street or as
66 required by Section 5-1300.
67
68 c. The front yard setback may be reduced below the minimum
69 required above if a conditional use permit is approved in
70 accordance with Section 3-3300 or an approved preliminary plat in
71 accordance with the City's Subdivision Regulations.
72
73

74 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

77 Section 3 – The Land Development Code, Article I, Zoning Ordinance, Division
78 IV, District Regulations, Section 4-3100, GR, General Retail District, is hereby
79 amended by repealing Subsections 4-3105.C.1, Bulk and Intensity of Use Restrictions,
80 Minimum yard requirements, and enacting in lieu thereof a new Subsection 4-3105.C.1,
81 which new Subsection 4-3105.C.1 shall read as follows:

82
83 **Section 4-3105. Bulk and Intensity of Use Restrictions.**

84
85 C. ~~Yard requirements~~ Minimum yard requirements (additional bufferyard may
86 be required by Subsection 4-3108):

87
88 1. ~~Front yard: Twenty-five (25) feet or as required by Section 5-1300.~~

89
90 a. Twenty-five (25) feet along a street classified as a collector or
91 higher classification street or as required by Section 5-1300.

92
93 b. Fifteen (15) feet along a street classified as a local street or as
94 required by Section 5-1300.

95
96 c. The front yard setback may be reduced below the minimum
97 required above if a conditional use permit is approved in
98 accordance with Section 3-3300 or an approved preliminary plat in
99 accordance with the City's Subdivision Regulations.

100
101
102 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

103
104
105 Section 4 - The Land Development Code, Article I, Zoning Ordinance, Division
106 IV, District Regulations, Section 4-3200, HC, Highway Commercial District, is hereby
107 amended by repealing Subsections 4-3205.C.1, Bulk and Intensity of Use Restrictions,
108 Minimum yard requirements, and enacting in lieu thereof a new Subsection 4-3205.C.1,
109 which new Subsection 4-3205.C.1 shall read as follows:

110
111 **Section 4-3205. Bulk and Intensity of Use Restrictions.**

112
113 C. Minimum yard requirements (additional bufferyard may be required by
114 Subsection 4-3208):

115
116 1. ~~Front yard: Twenty-five (25) feet or as required by Section 5-1300.~~

117
118 a. Twenty-five (25) feet along a street classified as a collector or
119 higher classification street or as required by Section 5-1300.

120
121 b. Fifteen (15) feet along a street classified as a local street or as
122 required by Section 5-1300.

123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168

- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

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

Section 5 - The Land Development Code, Article I, Zoning Ordinance, Division IV, District Regulations, Section 4-4000, RI, Restricted Industrial District, is hereby amended by repealing Subsections 4-4005.C.1, Bulk Regulations, Minimum yard requirements, and enacting in lieu thereof a new Subsection 4-4005.C.1, which new Subsection 4-4005.C.1 shall read as follows:

Section 4-4005. Bulk Regulations.

C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4008*):

1. Front yard: ~~Twenty-five (25) feet or as required by Section 5-1300.~~

- a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
- b. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

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

Section 6 - The Land Development Code, Article I, Zoning Ordinance, Division IV, District Regulations, Section 4-4100, LI, Light Industrial District, is hereby amended by repealing Subsections 4-4105.C.1, Bulk Regulations, Minimum yard requirements, and enacting in lieu thereof a new Subsection 4-4105.C.1, which new Subsection 4-4105.C.1 shall read as follows:

169 **Section 4-4105. Bulk Regulations.**

170
171 C. Minimum yard requirements (additional bufferyard may be required by
172 *Subsection 4-4108*):

173
174 1. Front yard: ~~Twenty-five (25) feet or as required by *Section 5-1300*.~~

175
176 a. Twenty-five (25) feet along a street classified as a collector
177 or higher classification street or as required by *Section 5-*
178 *1300*.

179
180 b. Fifteen (15) feet along a street classified as a local street or
181 as required by *Section 5-1300*.

182
183 c. The front yard setback may be reduced below the
184 minimum required above if a conditional use permit is
185 approved in accordance with *Section 3-3300* or an
186 approved preliminary plat in accordance with the City's
187 *Subdivision Regulations*.

188
189 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

190
191
192 Section 7 - The Land Development Code, Article I, Zoning Ordinance, Division
193 IV, District Regulations, Section 4-4200, GM, General Manufacturing District, is hereby
194 amended by repealing Subsections 4-4205.C.1, Bulk Regulations, Minimum yard
195 requirements, and enacting in lieu thereof a new Subsection 4-4205.C.1, which new
196 Subsection 4-4205.C.1 shall read as follows:

197
198 **Section 4-4205. Bulk Regulations.**

199
200 C. Minimum yard requirements (additional bufferyard may be required by
201 *Subsection 4-4208*):

202
203 1. Front yard:

204
205 a. Offices, as a principal use, athletic clubs, fitness centers, indoor
206 sports facilities and recording, television and radio studios: ~~Twenty-~~
207 ~~five (25) feet or as required by *Section 5-1300*.~~

208 1. Twenty-five (25) feet along a street classified as a collector
209 or higher classification street or as required by *Section 5-*
210 *1300*.

211
212 2. Fifteen (15) feet along a street classified as a local street or
213 as required by *Section 5-1300*.

- 215 3. The front yard setback may be reduced below the minimum
216 required above if a conditional use permit is approved in
217 accordance with Section 3-3300 or an approved preliminary
218 plat in accordance with the City's Subdivision Regulations.

219
220
221 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

222
223
224 Section 8 - The Land Development Code, Article I, Zoning Ordinance, Division
225 IV, District Regulations, Section 4-3000, HM, Heavy Manufacturing District , is hereby
226 amended by repealing Subsections 4-4305.C.1, Bulk Regulations, Minimum yard
227 requirements, and enacting in lieu thereof a new Subsection 4-4305.C.1, which new
228 Subsection 4-4305.C.1 shall read as follows:

229
230 **Section 4-4305. Bulk Regulations.**

231
232 C. Minimum yard requirements (additional bufferyard may be required by
233 *Subsection 4-4308*):

- 234
235 1. Front yard:
- 236
237 a. Offices, as a principal use, athletic clubs, fitness centers, indoor
238 sports facilities and recording, television and radio studios: ~~Twenty-~~
239 ~~five (25) feet or as required by Section 5-1300.~~
 - 240 1. Twenty-five (25) feet along a street classified as a collector
241 or higher classification street or as required by Section 5-
242 1300.
 - 243
244 2. Fifteen (15) feet along a street classified as a local street or
245 as required by Section 5-1300.
 - 246
247 3. The front yard setback may be reduced below the minimum
248 required above if a conditional use permit is approved in
249 accordance with Section 3-3300 or an approved preliminary
250 plat in accordance with the City's Subdivision Regulations.

251
252
253 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

254
255
256 Section 9 - The Land Development Code, Article I, Zoning Ordinance, Division
257 IV, District Regulations, Section 4-4400, IC, Industrial Commercial District, is hereby
258 amended by repealing Subsections 4-4405.C.1, Bulk Regulations, Minimum yard
259 requirements, and enacting in lieu thereof a new Subsection 4-4405.C.1, which new
260 Subsection 4-4405.C.1 shall read as follows:

261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306

Section 4-4405. Bulk Regulations.

C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4408*):

- 1. ~~Front yard: Twenty-five (25) feet or as required by *Section 5-1300*.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300*.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300* or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.

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

Section 10 – 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 causes 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 11 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 12 – This ordinance shall be in full force and effect from and after passage

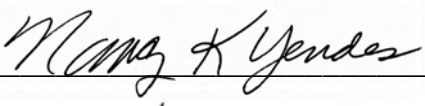
Passed at meeting: _____


Mayor

Attest: _____, City Clerk

307
308
309
310
311
312
313
314
315
316
317
318
319
320

Filed as Ordinance: _____

Approved as to form:  Assistant City Attorney

Approved for Council Action:  City Manager

n:\share\cbills\2101\1-25-10\textamendfrontyardsetbacks_ord_nky-dw

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: January 25, 2010
Sponsor: O'Neal
Date: January 11, 2010

EXPLANATION TO COUNCIL BILL NO. 2010 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to amend the Zoning Ordinance of the City of Springfield, Missouri to reduce front yard setbacks in the commercial and industrial zoning districts. (Planning and Zoning Commission and Staff recommend approval)

ZONING ORDINANCE TEXT AMENDMENT – FRONT YARD SETBACKS

BACKGROUND INFORMATION:

City Council approved a resolution (G.O. 9558) on December 11, 2007 to initiate a text amendment to the Zoning Ordinance that would reduce front setbacks in commercial districts in certain circumstances. Staff believes that buildings located on a local street within the commercial and industrial/manufacturing districts should be allowed a reduced front yard setback to the street rather than the typical setback of twenty-five (25) feet.

The proposed reduction on streets classified as locals will allow buildings to set closer to the street and sidewalk which provides greater safety to pedestrians. It will also bring many non-conforming structures into conformance with their respective commercial or industrial zoning district. This amendment will not require buildings to be set along the front; rather it will allow more flexibility during development so that off-street parking may be provided behind the structure instead of in the front. In many cases, a twenty-five (25) foot minimum building setback does not make placing a building at the front financially feasible or allow an owner to maximize the development of a property.

This amendment will not reduce by right minimum building setbacks along streets classified as collector or higher because visibility of and by vehicles on intersecting streets and driveways is important on streets whose function is to move higher volumes of traffic. It also places an option to reduce the minimum front yard setbacks further on a case by case basis through a conditional use permit or preliminary plat. This would allow for public comment and consideration on each case at Planning Commission and City Council.

RECOMMENDATIONS:


The Planning and Zoning Commission held a public hearing on January 7, 2010, and recommended approval, by a vote of 9 to 0, of the proposed changes to the Zoning Ordinance described in Attachment A (see the attached Record of Proceedings).

The Planning and Development Staff recommends approval of the proposed amendments (see the attached Zoning and Subdivision Report).

Submitted by:

~~Michael K. MacPherson~~
Planning and Development

Approved by:


City Manager

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENT: FRONT YARD SETBACKS

DATE: December 30, 2009

PURPOSE: To amend the Zoning Ordinance to reduce front yard setbacks in the commercial and industrial zoning districts

STAFF COMMENTS:

1. City Council approved a resolution (G.O. 9558) on December 11, 2007 to initiate a text amendment to the Zoning Ordinance that would reduce front setbacks in commercial districts in certain circumstances. Staff has determined that within the commercial and industrial/manufacturing districts if located on a local street that it is appropriate for buildings to be set closer to the street which are typically setback at least twenty-five (25) feet.
2. This amendment will not reduce by right minimum building setbacks along streets classified as collector or higher because visibility of and by vehicles on intersecting streets and driveways is important on streets whose function is to move higher volumes of traffic.
3. This amendment also places an option to reduce the minimum front yard setbacks further on a case by case basis through a conditional use permit or preliminary plat. This would allow for public comment and consideration on each case at Planning Commission and City Council.
4. The reduction of the front yard setbacks will not change the required right-of-way widths for streets, sidewalks, stormwater, sanitary sewer or other utilities because the setback will be measured from the right-of-way centerline which is determined by the classification of the street.
5. The proposed reduction on streets classified as locals will allow buildings to set closer to the street and sidewalk which provides greater safety to pedestrians. It will also bring many non-conforming structures into conformance with their respective commercial or industrial zoning district. This amendment will not require buildings to be set along the front; rather it will allow more flexibility during development so that off-street parking may be provided

behind the structure instead of in the front. In many cases, a twenty-five (25) foot minimum building setback does not make placing a building at the front financially feasible or allow an owner to maximize the development of a property.

6. This amendment will affect the Office, Limited Business, General Retail, Highway Commercial, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing, and Industrial Commercial zoning districts. Commercial and industrial districts that already have no minimum setbacks will not be affected. This amendment will not affect any of the residential zoning districts.
7. Public Works Traffic Engineering supports the proposed text amendment.

RECOMMENDATION: Staff recommends **approval**.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
PROPOSED FRONT YARD TEXT AMENDMENT

New text is underlined and deleted text is ~~overstruck~~

Section 4-2005. Bulk and Intensity of Use Restrictions. (O, Office)

- C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-2008*):
1. Front yard: ~~Twenty-five (25) feet or as required by Section 5-1300.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
 - b. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

Section 4-3005. Bulk and Intensity of Use Restrictions. (LB, Limited Business)

- C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-3008*):
1. Front yard: ~~Twenty-five (25) feet or as required by Section 5-1300.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
 - b. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

Section 4-3105. Bulk and Intensity of Use Restrictions. (GR, General Retail)

- C. ~~Yard requirements~~ Minimum yard requirements (additional bufferyard may be required by *Subsection 4-3108*):
1. Front yard: ~~Twenty five (25) feet or as required by *Section 5-1300*.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300*.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300* or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.

Section 4-3205. Bulk and Intensity of Use Restrictions. (HC, Highway Commercial)

- C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-3208*):
1. Front yard: ~~Twenty five (25) feet or as required by *Section 5-1300*.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300*.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300* or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.

Section 4-4005. Bulk Regulations. (RI, Restricted Industrial)

- C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4008*):
1. Front yard: ~~Twenty five (25) feet or as required by *Section 5-1300*.~~

- a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
- b. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

Section 4-4105. Bulk Regulations.

(LI, Light Industrial)

C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4108*):

- 1. Front yard: ~~Twenty five (25) feet or as required by Section 5-1300.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
 - b. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

Section 4-4205. Bulk Regulations.

(GM, General Manufacturing)

C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4208*):

- 1. Front yard:
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios: ~~Twenty five (25) feet or as required by Section 5-1300.~~
 - 1. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
 - 2. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.

3. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

Section 4-4305. Bulk Regulations.

(HM, Heavy Manufacturing)

- C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4308*):
 1. Front yard:
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios: ~~Twenty-five (25) feet or as required by Section 5-1300.~~
 1. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
 2. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
 3. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.

Section 4-4405. Bulk Regulations.

(IC, Industrial Commercial)

- C. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4408*):
 1. Front yard: ~~Twenty-five (25) feet or as required by Section 5-1300.~~
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by Section 5-1300.
 - b. Fifteen (15) feet along a street classified as a local street or as required by Section 5-1300.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 3-3300 or an approved preliminary plat in accordance with the City's Subdivision Regulations.