

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. 3-22-10
Pgs. 16
Filed: 3-16-2010

Sponsored by: Chiles

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2010 - 084

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Article I, Zoning Ordinance,
2 Division IV, Sections, 4-1200, 4-1300, and 4-1400, by modifying the
3 requirements of the R-LD, Low Density, R-MD, Medium Density, and R-
4 HD, High Density Multi-Family Districts to add the duplex use and reduce
5 minimum lot area; and to amend the minimum distance requirements
6 between multi-family buildings in these districts. (Both Planning and
7 Zoning Commission and staff recommend approval.)
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11 WHEREAS, an application for an amendment to the Zoning Ordinance was
12 initiated by City Council Resolution on February 22, 2010, in conformance with the
13 requirements of the Zoning Ordinance; and
14

15 WHEREAS, following proper notice, a public hearing was held before the
16 Planning and Zoning Commission on March 4, 2010, and the Commission has made its
17 recommendation with respect to such an amendment, which is contained within this bill.
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20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows, that:
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23 Section 1 - The Land Development Code, Article I, Zoning Ordinance, Division
24 IV, Section 4-1200, R-LD, Low-Density Multi-Family Residential District, is hereby
25 amended by repealing Subsection 4-1205.A.3, Lot Size Requirements, and enacting in
26 lieu thereof one new Subsection 4-1205.A.3, which new Subsection shall read as
27 follows:
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31 **Section 4-1205. Lot Size Requirements.**

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33 A. Minimum lot area:

- 34
35 1. Each townhouse on a separate platted lot: Two-thousand-four-
36 hundred (2,400) square feet.
37
38 2. Existing single-family-detached dwellings: Five-thousand (5,000)
39 square feet.
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41 3. Duplexes: ~~Seven~~Six-thousand-five-hundred (76,500) square feet.
42
43 4. Single-family-semi-detached dwellings: Three-thousand-seven-
44 hundred-fifty (3,750) square feet.
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46 5. All other uses: Eight-thousand-two-hundred-fifty (8,250) square
47 feet.
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49 NOTE: Language to be added is underscored. Language to be deleted is ~~stricken~~.

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51 Section 2 - The Land Development Code, Article I, Zoning Ordinance, Division
52 IV, Sections 4-1300, R-MD, Medium-Density Multi-Family Residential District, is hereby
53 amended by adding thereto one new permitted use to Section 4-1302, Permitted Uses,
54 and repealing Subsection 4-1305.A, Minimum lot area and enacting in lieu thereof a
55 new Subsection 4-1305.A, such that Section 4-1302, Permitted Uses and Subsection 4-
56 1305.A, Minimum lot area, shall read as follows:
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58 **Section 4-1302. Permitted Uses.**

59 A. Multi-family dwellings.

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61 B. Duplexes.

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63 ~~B.C.~~ Townhouses.

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65 ~~C.D.~~ Single-family-detached dwellings in accordance with *Section 5-2900*.

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67 ~~D.E.~~ ~~Duplex and s~~Single-family-semi-detached dwellings existing at the time
68 the district is mapped. As a conforming use, ~~duplex and~~ single-family-
69 semi-detached dwellings can be expanded or, if destroyed, replaced with
70 another dwelling of the same type within eighteen (18) months of being
71 destroyed.
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73
74 ~~E.F.~~ Accessory apartments in owner-occupied-single-family-detached
75 dwellings, in accordance with *Section 5-2400*.
76

- 77 FG. Accessory Uses, as permitted by *Section 5-1000*.
78
79 GH. Churches and other places of worship, including parish houses and
80 Sunday schools, but excluding emergency shelters and temporary outdoor
81 revivals.
82
83 HJ. Clubhouses associated with any permitted use.
84
85 IJ. Day care homes in accordance with *Chapter 36, Article XI, Springfield City*
86 *Code*.
87
88 JK. Group homes, custodial.
89
90 KL. Home occupation uses, as permitted by *Section 5-1100*.
91
92 LM. Police and fire stations.
93
94 MN. Public and private parks, playgrounds, and golf courses, excluding
95 miniature golf courses and driving ranges.
96
97 NO. Schools, elementary and secondary, and schools or development centers
98 for elementary- and secondary-school-age children with handicaps or
99 development disabilities, on a minimum of five (5) acres of land.
100
101 OP. Temporary uses, as permitted by *Section 5-1200*.
102
103 PQ. Zero-lot-line construction, in accordance with *Section 3-3200*.
104
105 QR. Noncommercial, not-for-profit residential neighborhood facilities, including
106 indoor and outdoor recreational facilities, community centers, offices of
107 property owners associations and maintenance facilities operated by a
108 neighborhood or community organization or a property owners association
109 in accordance with the provisions of *Subsection 5-2700*.
110
111 RS. Transitional housing for multifamily use.
112
113 ST. Tier I and II wireless facilities in accordance with *Section 5-2600*.

114
115 **Section 4-1305. Lot Size Requirements.**

- 116
117 A. Minimum lot area:
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119 1. Each townhouse on a separate platted lot: Two-thousand (2,000)
120 square feet.
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- 122 2. Existing single-family-detached dwellings: Five-thousand (5,000)
 123 square feet.
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 125 3. ~~Existing d~~Duplexes: ~~Seven~~Five-thousand-five-hundred (75,500)
 126 square feet.
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 128 4. Existing single-family-semi-detached dwellings: Three-thousand-
 129 seven-hundred-fifty (3,750) square feet.
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 131 5. All other uses: Fifteen-thousand (15,000) square feet.
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133 NOTE: Language to be added is underscored. Language to be deleted is ~~stricken~~.
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136 Section 3 – The Land Development Code, Article I, Zoning Ordinance, Division
 137 IV, Sections 4-1400, R-HD, High-Density Multi-Family Residential District, is hereby
 138 amended by adding thereto one new permitted use to Section 4-1402, Permitted Uses,
 139 and amend Subsection 4-1405.A, Minimum lot area, and enacting in lieu thereof a new
 140 Subsection 4-1405.A.3, such that Section 4-1402, Permitted Uses and Subsection 4-
 141 1405.A, Minimum lot area, shall read as follows:
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143 **Section 4-1402. Permitted Uses.**
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- 145 A. Multi-family dwellings.
 146
 147 B. Duplexes.
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 149 B.C. Townhouses.
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 151 G.D. Single-family-detached dwellings in accordance with *Section 5-*
 152 *2900*
 153
 154 D.E. Single-family-semi-detached dwellings existing at the time the
 155 district is mapped. As a conforming use, single-family-semi-
 156 detached dwellings can be expanded or, if destroyed, replaced with
 157 another dwelling of the same type within eighteen (18) months of
 158 being destroyed.
 159
 160 E.F. Accessory apartments in owner-occupied single-family-detached
 161 dwellings, in accordance with *Section 5-2400*.
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 163 F.G. Accessory Uses, as permitted by *Section 5-1000*.
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 165 G.H. Bed and breakfasts.
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 167 H.I. Boarding, rooming, and lodging houses.

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- ↳J. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals.
 - ↳K. Clubhouses associated with any permitted use.
 - ↳L. Day care homes in accordance with *Chapter 36, Article XI, Springfield City Code*.
 - ↳M. Group homes, custodial.
 - ↳N. Home occupation uses, as permitted by *Section 5-1100*.
 - ↳O. Police and fire stations.
 - ↳P. Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
 - ↳Q. Schools, elementary and secondary, and schools or development centers for elementary- and secondary-school-age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
 - ↳R. Temporary uses, as permitted by *Section 5-1200*.
 - ↳S. Zero-lot-line construction, in accordance with *Section 3-3200*.
 - ↳T. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of *Subsection 5-2700*.
 - ↳U. Transitional housing for multifamily use.
 - ↳V. Tier I and II wireless facilities in accordance with *Section 5-2600*.
 - ↳W. Orphanages.

Section 4-1405. Lot Size Requirements.

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- A. Minimum lot area:
 - 1. Each townhouse on a separate platted lot: Two-thousand (2,000) square feet.
 - 2. Existing single-family-detached dwellings: Five-thousand (5,000) square feet.
 - 3. Existing ~~d~~Duplexes: ~~Seven~~Four-thousand-five-hundred (7~~4~~,500) square feet.
 - 4. Existing single-family-semi-detached dwellings: Three-thousand-seven-hundred-fifty (3,750) square feet.
 - 5. All other uses: Fifteen-thousand (15,000) square feet.

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

Section 4 – The Land Development Code, Article I, Zoning Ordinance, Division IV, Sections 4-1206.G, 4-1306.G, 4-1406.G Bulk and Open Space Requirements, are hereby repealed.

Section 4-1206. Bulk and Open Space Requirements.

~~G. The minimum distance between any two unattached principal buildings shall be thirty (30) feet. Whenever two principal structures are arranged face to face or back to back, the minimum distance shall be fifty (50) feet. The point of measurement shall be the exterior walls of the buildings and does not include balconies, railings or other architectural features.~~

Section 4-1306. Bulk and Open Space Requirements.

~~G. The minimum distance between any two unattached principal buildings shall be thirty (30) feet. Whenever two principal structures are arranged face to face or back to back, the minimum distance shall be fifty (50) feet. The point of measurement shall be the exterior walls of the buildings and does not include balconies, railings or other architectural features.~~

Section 4-1406. Bulk and Open Space Requirements.

~~G. The minimum distance between any two unattached principal buildings shall be thirty (30) feet. Whenever two principal structures are arranged face to face or back to back, the minimum distance shall be fifty (50) feet. The point of measurement shall be the exterior walls of the buildings and~~

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~~does not include balconies, railings or other architectural features.~~

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

Section 5 – 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 6 – 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 7 – 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: *Mary K Yendes* Assistant City Attorney

Approved for Council Action: *Greg Burt* City Manager

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: March 22, 2010
Sponsor:
Date: March 08, 2010

EXPLANATION TO COUNCIL BILL NO. 2010 - 084

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to amend the Zoning Ordinance of the City of Springfield, Missouri to modify the requirements of Sections 4-1200, 4-1300, and 4-1400, (Multi-Family Districts), to add the duplex use and reduce the minimum lot area; and to amend the minimum distance requirements between multi-family buildings. (Planning and Zoning Commission and Staff recommend approval.)

ZONING ORDINANCE TEXT AMENDMENT – MULTI-FAMILY DISTRICTS

BACKGROUND INFORMATION:

1. City Council approved a resolution on February 22, 2010, to initiate a text amendment to the Zoning Ordinance to amend the permitted uses section of all multi-family districts to add duplex uses in certain circumstances and reduce the minimum distance requirements between multi-family buildings.
2. The amendment would reduce minimum lot sizes for duplexes in the multi-family districts and allow for a new permitted use for duplexes in R-MD and R-HD as follows:

	Existing	Proposed
R-LD	7,500 sq. ft.	6,500 sq. ft.
R-MD	7,500 sq. ft. (existing duplexes)	5,500 sq. ft. (new)
R-HD	7,500 sq. ft. (existing duplexes)	4,500 sq. ft. (new)
3. The minimum distance requirements between buildings are eliminated in this proposed amendment. The City is attempting to promote increased density in development activity and the infill of smaller lots for multi-family use. The Building Code will address minimum distances between structures.

FINDINGS:

1. The proposed amendments encourage development activity in lots that are currently too small to develop under the existing ordinance.
2. The proposed amendments will allow for development to occur at increased density.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on March 4, 2010, and recommended approval, by a vote of 6 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. MURPHY~~
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: MULTI-FAMILY DISTRICTS AMENDMENT

DATE: February 17, 2010

PURPOSE: To amend the permitted uses section of multi-family districts (Sections 4-1200, 4-1300 and 4-1400) to add the duplex use and reduce its minimum lot area; to amend the minimum distance requirements between multi-family buildings in the Zoning Ordinance.

STAFF COMMENTS:

1. City Council approved a resolution on February 22, 2010, to initiate a text amendment to the Zoning Ordinance to amend the permitted uses section of all multi-family districts to add duplex uses in certain circumstances and reduce the minimum distance requirements between multi-family buildings.
2. The amendment would reduce minimum lot sizes for duplexes in the multi-family districts and allow for a new permitted use for duplexes in R-MD and R-HD as follows:

	Existing	Proposed
R-LD	7,500 sq. ft.	6,500 sq. ft.
R-MD	7,500 sq. ft. (existing duplexes)	5,500 sq. ft. (new)
R-HD	7,500 sq. ft. (existing duplexes)	4,500 sq. ft. (new)

3. The minimum distance requirements between buildings are eliminated in this proposed amendment. The City is attempting to promote increased density in development activity and the infill of smaller lots for multi-family use. The Building Code will address minimum distances between structures.

FINDINGS:

1. The proposed amendments encourage development activity in lots that are currently too small to develop under the existing ordinance.
2. The proposed amendments will allow for development to occur at increased density.

RECOMMENDATION: Staff recommends **approval**.

STAFF CONTACT PERSON: Mike MacPherson, Principal Planner
417-864-1198

STORM WATER COMMENTS:

No comments or suggestions

SANITARY SEWER COMMENTS:

No issues regarding sanitary sewer.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the proposed changes.

ATTACHMENT A

PROPOSED MULTI-FAMILY TEXT AMENDMENT

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

Section 4-1205. Lot Size Requirements. (*R-LD, Low-Density Multi-Family Residential*)

- A. Minimum lot area:
 - 1. Each townhouse on a separate platted lot: Two-thousand-four-hundred (2,400) square feet.
 - 2. Existing single-family-detached dwellings: Five-thousand (5,000) square feet.
 - 3. Duplexes: ~~Seven~~Six-thousand-five-hundred (~~7~~6,500) square feet. (G.O. 4570)
 - 4. Single-family-semi-detached dwellings:
Three-thousand-seven-hundred-fifty (3,750) square feet. (G.O. 4570)
 - 5. All other uses: Eight-thousand-two-hundred-fifth (8,250) square feet.

Section 4-1206. Bulk and Open Space Requirements.

~~G. The minimum distance between any two unattached principal buildings shall be thirty (30) feet. Whenever two principal structures are arranged face to face or back to back, the minimum distance shall be fifty (50) feet. The point of measurement shall be the exterior walls of the buildings and does not include balconies, railings or other architectural features.~~

Section 4-1302. Permitted Uses. (*R-MD, Medium-Density Multi-Family Residential*)

- A. Multi-family dwellings.
- B. Duplexes.
- ~~B~~C. Townhouses.
- ~~C~~D. Single-family-detached dwellings in accordance with *Section 5-2900* (G.O. 5345, 1/26/04)

- ~~DE~~. ~~Duplex and s~~Single-family-semi-detached dwellings existing at the time the district is mapped. As a conforming use, ~~duplex and~~ single-family-semi-detached dwellings can be expanded or, if destroyed, replaced with another dwelling of the same type within eighteen (18) months of being destroyed. (G.O. 5345, 1/26/04)
- ~~EF~~. Accessory apartments in owner-occupied-single-family-detached dwellings, in accordance with *Section 5-2400*.
- ~~FG~~. Accessory Uses, as permitted by *Section 5-1000*.
- ~~GH~~. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals. (G.O. 4519) (G.O. 5471, 06/27/05)
- ~~HI~~. Clubhouses associated with any permitted use.
- ~~IJ~~. Day care homes in accordance with *Chapter 36, Article XI, Springfield City Code*. (G.O. 4570) (G.O. 5127, 10/29/01) (G.O. 5425, 11/15/04)
- ~~JK~~. Group homes, custodial.
- ~~KL~~. Home occupation uses, as permitted by *Section 5-1100*.
- ~~LM~~. Police and fire stations.
- ~~MN~~. Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- ~~NO~~. Schools, elementary and secondary, and schools or development centers for elementary- and secondary-school-age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
- ~~OP~~. Temporary uses, as permitted by *Section 5-1200*.
- ~~PQ~~. Zero-lot-line construction, in accordance with *Section 3-3200*.
- ~~QR~~. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of *Subsection 5-2700*. (G.O. 4759, 11/10/97)
- ~~RS~~. Transitional housing for multifamily use. (G.O. 4763, 12/15/97)

ST. Tier I and II wireless facilities in accordance with *Section 5-2600*. (G.O. 5094, 7/9/01)

Section 4-1305. Lot Size Requirements.

- A. Minimum lot area:
 - 1. Each townhouse on a separate platted lot: Two-thousand (2,000) square feet.
 - 2. Existing single-family-detached dwellings: Five-thousand (5,000) square feet.
 - 3. ~~Existing d~~Duplexes: ~~Seven~~Five-thousand-five-hundred (7~~5~~,500) square feet.
 - 4. Existing single-family-semi-detached dwellings: Three-thousand-seven-hundred-fifty (3,750) square feet.
 - 5. All other uses: Fifteen-thousand (15,000) square feet.

Section 4-1306. Bulk and Open Space Requirements.

~~G. The minimum distance between any two unattached principal buildings shall be thirty (30) feet. Whenever two principal structures are arranged face to face or back to back, the minimum distance shall be fifty (50) feet. The point of measurement shall be the exterior walls of the buildings and does not include balconies, railings or other architectural features.~~

Section 4-1402. Permitted Uses.

(R-HD, High-Density Multi-Family Residential)

- A. Multi-family dwellings.
- B. Duplexes.
- ~~B~~C. Townhouses.
- ~~C~~D. Single-family-detached dwellings in accordance with *Section 5-2900* (G.O. 5345, 1/26/04)
- ~~D~~E. ~~Duplex and s~~Single-family-semi-detached dwellings existing at the time the district is mapped. As a conforming use, ~~duplex and~~ single-family-semi-detached dwellings can be expanded or, if destroyed,

replaced with another dwelling of the same type within eighteen (18) months of being destroyed. (G.O. 5345, 1/26/04)

- ~~EF~~. Accessory apartments in owner-occupied-single-family-detached dwellings, in accordance with *Section 5-2400*.
- ~~EG~~. Accessory Uses, as permitted by *Section 5-1000*.
- ~~EH~~. Bed and breakfasts.
- ~~EI~~. Boarding, rooming, and lodging houses.
- ~~EJ~~. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals. (G.O. 4519) (G.O. 5471, 06/27/05)
- ~~EK~~. Clubhouses associated with any permitted use.
- ~~EL~~. Day care homes in accordance with *Chapter 36, Article XI, Springfield City Code*. (G.O. 4570) (G.O. 5425, 11/15/04)
- ~~EM~~. Group homes, custodial.
- ~~EN~~. Home occupation uses, as permitted by *Section 5-1100*.
- ~~EO~~. Police and fire stations.
- ~~EP~~. Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- ~~EQ~~. Schools, elementary and secondary, and schools or development centers for elementary- and secondary-school-age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
- ~~ER~~. Temporary uses, as permitted by *Section 5-1200*.
- ~~ES~~. Zero-lot-line construction, in accordance with *Section 3-3200*.
- ~~ET~~. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of *Subsection 5-2700*. (G.O. 4759, 11/10/97)

~~U~~. Transitional housing for multifamily use. (G.O. 4763, 12/15/97)

~~V~~. Tier I and II wireless facilities in accordance with *Section 5-2600*. (G.O. 5094, 7/9/01)

~~W~~. Orphanages. (G.O. 5127, 10/29/01)

Section 4-1405. Lot Size Requirements.

A. Minimum lot area:

1. Each townhouse on a separate platted lot: Two-thousand (2,000) square feet.
2. Existing single-family-detached dwellings: Five-thousand (5,000) square feet.
3. ~~Existing d~~Duplexes: ~~Seven~~Four-thousand-five-hundred (~~7~~4,500) square feet.
4. Existing single-family-semi-detached dwellings:
Three-thousand-seven-hundred-fifty (3,750) square feet.
5. All other uses: Fifteen-thousand (15,000) square feet.

Section 4-1406. Bulk and Open Space Requirements.

~~G. The minimum distance between any two unattached principal buildings shall be thirty (30) feet. Whenever two principal structures are arranged face to face or back to back, the minimum distance shall be fifty (50) feet. The point of measurement shall be the exterior walls of the buildings and does not include balconies, railings or other architectural features.~~