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Filed: 03-05-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 058

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, 'Land Development Code,' Article
2 III, 'Zoning Regulations,' Division VI, 'Design and Development
3 Standards,' Section 36-483, 'Off-Street Parking and Loading Design
4 Standards,' relating to surfacing requirements for driveways, vehicle
5 parking, storage, and maneuvering areas. (Planning and Zoning
6 Commission and Staff recommend approval.)
7
8

9 WHEREAS, certain amendments to the current Springfield City Code Chapter 36
10 are needed to address the areas and types of materials for surfacing of vehicle
11 driveways, parking, storage, and maneuvering areas; and
12

13 WHEREAS, Planning and Zoning Commission initiated these amendments on
14 November 8, 2018; and
15

16 WHEREAS, a public hearing was held before the Planning and Zoning
17 Commission on February 14, 2019, and said Commission recommended approval of
18 the proposed changes.
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows, that:
22

23 Section 1 – Chapter 36 of the Springfield, Missouri City Code, known as the
24 'Land Development Code,' Article III – 'Zoning Regulations,' Division VI, 'Design and
25 Development Standards,' Section 36-483, 'Off-Street Parking and Loading Design
26 Standards,' is hereby amended as follows
27

28 (Note: Underlined language is to be added. ~~Stricken~~ language is to be deleted):
29

30 Sec. 36-483. - Off-street parking and loading area design standards.
31

32 (1) *Off-street parking area design standards.*
33

34 (f) Surfacing. All new and expanded vehicle parking, vehicle storage or
35 maneuvering areas, including driveways, must be paved with concrete,
36 asphalt, or an alternate paving material as listed below. All off-street parking
37 areas, shall be graded for proper drainage, provided with an all-weather,
38 hard surface; and maintained in a condition to retain the original surface and
39 to prevent the release of dust, mud or silt; and to be free of dust, mud, silt,
40 standing water, trash and debris. The following materials constitute an
41 acceptable all-weather hard surface material.

42
43 1. Asphalt.

44
45 2. Concrete.

46
47 3. Pervious or permeable pavement such as pervious concrete, permeable
48 interlocking concrete and brick pavers, and other pervious or permeable
49 paving systems capable of withstanding the normal wear and tear
50 associated with the parking and maneuvering of vehicles and which is
51 appropriate for traffic loads and frequency of use. All materials shall be
52 designated, installed, and maintained per current industry standards.
53 Appropriate soils and site conditions shall exist for the pervious or
54 permeable pavement to function. When designed to meet stormwater
55 requirements for flood control detention or water quality, pervious or
56 permeable pavement systems must be designed in accordance with the
57 City Code, including chapter 96.

58
59 4. Ribbon driveways that consist of two wheel tracks with a median are
60 allowed for each drive lane for single-family detached, single-family semi-
61 detached, duplex or townhouse dwelling units or mobile homes. Each
62 wheel track shall meet the surfacing requirements of this section and shall
63 be at least three feet in width. The median shall not exceed three feet in
64 width with a surface of grass, gravel, or other approved pervious
65 materials.

66
67 (2) *Supplemental off-street parking area design standards for residential uses.*

68
69 (c) Modification of existing driveways, vehicle parking, vehicle storage or
70 maneuvering areas. All portions of any existing driveway, vehicle parking,
71 vehicle storage or maneuvering areas that are modified as provided within
72 this subsection, or are otherwise expanded, shall be required to meet the
73 surfacing requirements of subsection 36-483(1)(f), except that gravel
74 driveways, vehicle parking, vehicle storage or maneuvering areas which
75 existed prior to March 7, 1995, or which existed at the time the property
76 served by such driveway, vehicle parking, vehicle storage or maneuvering
77 areas were annexed into the city, may include similar materials as that used
78 to gravel such driveway, vehicle parking, vehicle storage or maneuvering

79 areas provided that;

- 80
- 81 1. There is a defined edge provided and maintained to contain the gravel
- 82 material from migrating outside both the existing and expanded vehicular
- 83 parking, vehicular storage or maneuvering areas into other areas of the
- 84 yard;
- 85
- 86 2. A permit is obtained for such modification from the director of building
- 87 development services; and
- 88
- 89 3. Parking occurs only in the area permitted for vehicular parking, vehicle
- 90 storage or maneuvering areas.
- 91
- 92 4. Demolition of the entire primary structure or any expansion of the primary
- 93 structure more than 25 percent of the original structure footprint shall
- 94 require any existing driveways, vehicle parking, vehicle storage, or
- 95 maneuvering areas to meet the surfacing requirements.
- 96

97 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to

98 affect any suit or proceeding now pending in any court or any rights acquired, or liability

99 incurred nor any cause or causes of action accrued or existing, under any act or

100 ordinance repealed hereby, or shall any right or remedy of any character be lost,

101 impaired, or affected by this Ordinance.

102

103 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or

104 phrase of this Ordinance is for any reason held to be invalid, such decision shall not

105 affect the validity of the remaining portions of this Ordinance. City Council hereby

106 declares that it would have adopted the Ordinance and each section, subsection,

107 sentence, clause, or phrase thereof, irrespective of the fact that any one or more

108 sections, subsections, sentences, clauses, or phrases be declared invalid.

109

110 Section 4 – This Ordinance shall be in full force and effect from and after

111 passage.

112

113 Passed at meeting: _____

114

115 _____

116 Mayor

117

118 Attest: _____, City Clerk

119

120 Filed as Ordinance: _____

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Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -058

FILED: 03-05-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division VI, 'Design and Development Standards,' Section 36-483, 'Off-Street Parking and Loading Design Standards,' relating to surfacing requirements for driveways, vehicle parking, storage, and maneuvering areas. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – DRIVEWAY SURFACING AMENDMENTS

Planning and Zoning Commission initiated amendments to Section 36-483 of the Zoning Ordinance on November 8, 2018.

Staff is requesting amendments to the Zoning Ordinance to clarify that the surfacing of all new and expanded vehicle parking, vehicle storage or maneuvering areas, including driveways, must be paved with concrete, asphalt or an alternate paving material.

The amendment adds vehicle parking, vehicle storage and maneuvering areas to the modification requirements of existing driveways.

The amendment includes a new section that clarifies that the demolition of the entire primary structure or any expansion of the primary structure more than 25% of the original structure footprint shall require existing driveways, vehicle parking, vehicle storage, and maneuvering areas to meet the surfacing requirements.

For a point of clarification, there is a difference between a "driveway" and a "driveway approach". Driveways are on private property and driveway approaches are in public right-of-way.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will modify the current requirements to clarify that any driveway, vehicle parking, vehicle storage and maneuvering areas must be paved when modifications are made.

REMARKS:

The Planning and Zoning Commission held a public hearing on February 14, 2019, and recommended approval, by a vote of 5 to 1, 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:



Jason Gage, City Manager

EXHIBITS:

- Exhibit A, Record of Proceedings
- Exhibit B, Development Review Staff Report

ATTACHMENTS:

- Attachment 1, Department Comments
- Attachment 2, Proposed Amendments

EXHIBIT A

RECORD OF PROCEEDINGS
DRIVEWAY SURFACING AMENDMENTS
Planning and Zoning Commission February 14, 2019

Driveway Surfacing Amendments
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a text amendment for off-street parking and loading design standards. Planning and Zoning Commission initiated amendments to Section 36-483. of the Zoning Ordinance on November 8, 2018. Staff is requesting an amendment to Section 36-483, 'Off-street parking and loading design standards,' of the Zoning Ordinance to consider modifying surfacing requirements for driveways, vehicle parking, vehicle storage and maneuvering areas. The amendment would also include a new section that clarifies that the demolition of the entire primary structure or any expansion of the primary structure more than 25% of the original structure footprint shall require existing driveways, vehicle parking, vehicle storage, and maneuvering areas to meet the surfacing requirements.

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

Sec. 36-483. - Off-street parking and loading area design standards.

(1) Off-street parking area design standards.

(f) Surfacing. All new and expanded vehicle parking, vehicle storage or maneuvering areas, including driveways, must be paved with concrete, asphalt, or an alternate paving material as listed below. All off-street parking areas, shall be graded for proper drainage, provided with an all-weather, hard surface; and maintained in a condition to retain the original surface and to prevent the release of dust, mud or silt; and to be free of dust, mud, silt, standing water, trash and debris. The following materials constitute an acceptable all-weather hard surface material.

1. Asphalt.

2. Concrete.

3. Pervious or permeable pavement such as pervious concrete, permeable interlocking concrete and brick pavers, and other pervious or permeable paving systems capable of withstanding the normal wear and tear associated with the parking and maneuvering of vehicles and which is appropriate for traffic loads and frequency of use. All materials shall be designated, installed, and maintained per current industry standards.

Appropriate soils and site conditions shall exist for the pervious or permeable pavement to function. When designed to meet stormwater requirements for flood control detention or water quality, pervious or permeable pavement systems must be designed in accordance with the City Code, including chapter 96.

4. Ribbon driveways that consist of two-wheel tracks with a median are allowed for each drive lane for single-family detached, single-family semi-detached, duplex or townhouse dwelling units or mobile homes. Each wheel track shall meet the surfacing

requirements of this section and shall be at least three feet in width. The median shall not exceed three feet in width with a surface of grass, gravel, or other approved pervious materials.

(2) Supplemental off-street parking area design standards for residential uses.

(c) Modification of existing driveways, vehicle parking, vehicle storage or maneuvering areas. All portions of any existing driveway, vehicle parking, vehicle storage or maneuvering areas that are modified as provided within this subsection, or are otherwise expanded, shall be required to meet the surfacing requirements of subsection 36-483(1)(f), except that gravel driveways, vehicle parking, vehicle storage or maneuvering areas which existed prior to March 7, 1995, or which existed at the time the property served by such driveway, vehicle parking, vehicle storage or maneuvering areas were annexed into the city, may include similar materials as that used to gravel such driveway, vehicle parking, vehicle storage or maneuvering areas provided that;

1. There is a defined edge provided and maintained to contain the gravel material from migrating outside both the existing and expanded vehicular parking, vehicular storage or maneuvering areas into other areas of the yard;
2. A permit is obtained for such modification from the director of building development services; and
3. Parking occurs only in the area permitted for vehicular parking, vehicle storage or maneuvering areas.
4. Demolition of the entire primary structure or any expansion of the primary structure more than 25% of the original structure footprint shall require any existing driveways, vehicle parking, vehicle storage, or maneuvering areas to meet the surfacing requirements.

For a point of clarification, there is a difference between a "driveway" and a "driveway approach". Driveways are on private property and driveway approaches are in public right-of-way. Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

Mr. Coltrin opened the public hearing.

Ms. Melanie Bach, 3734 S. Elmview, representing the Galloway Village Neighborhood Association, interim member at large does not want this amendment due to the potential financial burdens and property right limitations. The cost to include private driveways and believes that this might be a deterrent to home-owners and see no problems with gravel as it causes less run-off and it is their property rights.

Bob Hosmer states that current regulations are already in place for gravel with the exemption prior to March 7, 1995 and this amendment is a clarification.

Mr. Rose asked why this is coming forward at this time.

Mr. Hosmer stated that someone demolished a home and built a new house with a garage with concrete floor and poured the concrete for the approach but graveled (not approved surface area) the new driveway.

Ms. Broekhoven asked about alternative paving materials.

Mr. Hosmer noted several different types of materials that can be currently used.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

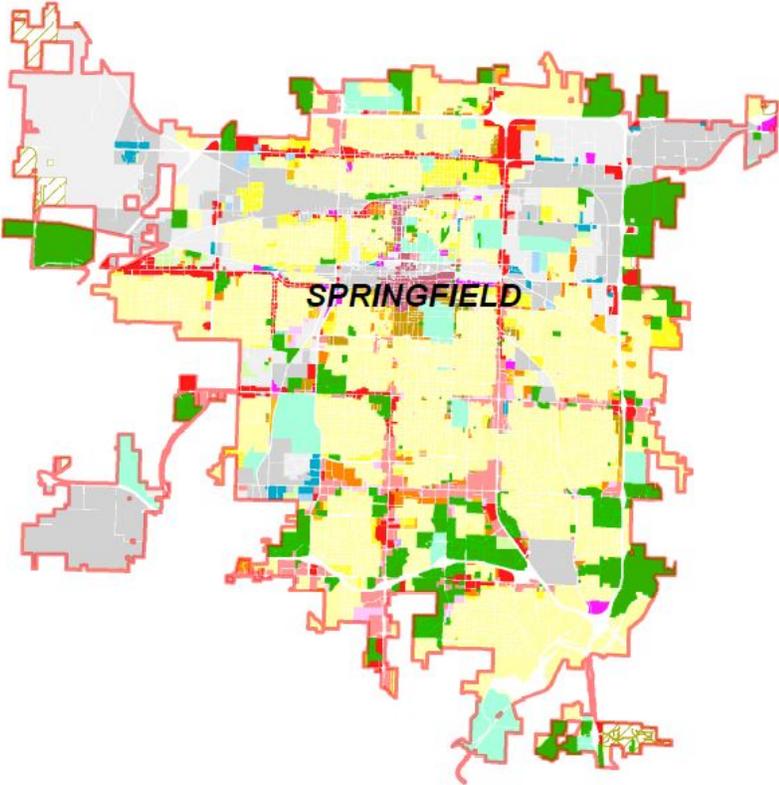
Mr. Jobe motioned to **approve** Driveway Surfacing Amendments (Citywide). Mr. Rose seconded the motion. Ayes: Coltrin, Rose, Jobe, Thomas, and Ogilvy. Nays: Broekhoven. Abstain: None. Absent: Doennig, Cox, and Shuler.



Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING: FEBRUARY 14, 2019
CITY COUNCIL PUBLIC HEARING: MARCH 11, 2019



CASE:
Driveway Surfacing Amendments

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. Staff is requesting an amendment to Section 36-483, 'Off-street parking and loading design standards,' of the Zoning Ordinance to consider modifying surfacing requirements for driveways, vehicle parking, vehicle storage and maneuvering areas.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will modify the current requirements to clarify that any driveway, vehicle parking, vehicle storage and maneuvering areas must be paved when modifications are made.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. Planning and Zoning Commission initiated amendments to Section 36-483. of the Zoning Ordinance on November 8, 2018.
2. Staff is requesting amendments to the Zoning Ordinance to clarify that the surfacing of all new and expanded vehicle parking, vehicle storage or maneuvering areas, including driveways, must be paved with concrete, asphalt or an alternate paving material.
3. The amendments would include adding vehicle parking, vehicle storage and maneuvering areas to the modification requirements of existing driveways.
4. The amendment would also include a new section that clarifies that the demolition of the entire primary structure or any expansion of the primary structure more than 25% of the original structure footprint shall require existing driveways, vehicle parking, vehicle storage, and maneuvering areas to meet the surfacing requirements.
5. For a point of clarification, there is a difference between a "driveway" and a "driveway approach". Driveways are on private property and driveway approaches are in public right-of-way.
6. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission.

STAFF COMMENTS:

Staff requests that Planning and Zoning Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

CITY UTILITIES COMMENTS:

City Utilities has no issue with the proposed amendments.

CLEAN WATER SERVICES DIVISION COMMENTS:

No comments.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

No issues with stormwater for proposed driveway surface amendment-zoning text amendment changes.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

For a point of clarification, there is a difference between a "driveway" and a "driveway approach". Driveways are on private property and driveway approaches are in public right-of-way.

REQUIREMENTS FOR APPROVAL:

Attachment 2

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

Sec. 36-483. - Off-street parking and loading area design standards.

(1) *Off-street parking area design standards.*

- (f) *Surfacing.* All new and expanded vehicle parking, vehicle storage or maneuvering areas, including driveways, must be paved with concrete, asphalt, or an alternate paving material as listed below. All off-street parking areas, shall be graded for proper drainage, provided with an all-weather, hard surface; and maintained in a condition to retain the original surface and to prevent the release of dust, mud or silt; and to be free of dust, mud, silt, standing water, trash and debris. The following materials constitute an acceptable all-weather hard surface material.
1. Asphalt.
 2. Concrete.
 3. Pervious or permeable pavement such as pervious concrete, permeable interlocking concrete and brick pavers, and other pervious or permeable paving systems capable of withstanding the normal wear and tear associated with the parking and maneuvering of vehicles and which is appropriate for traffic loads and frequency of use. All materials shall be designated, installed, and maintained per current industry standards. Appropriate soils and site conditions shall exist for the pervious or permeable pavement to function. When designed to meet stormwater requirements for flood control detention or water quality, pervious or permeable pavement systems must be designed in accordance with the City Code, including chapter 96.
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(2) *Supplemental off-street parking area design standards for residential uses.*

- (c) *Modification of existing driveways, vehicle parking, vehicle storage or maneuvering areas.* All portions of any existing driveway, vehicle parking, vehicle storage or maneuvering areas that ~~are~~ modified as provided within this subsection, or ~~are~~ otherwise expanded, shall be required to meet the surfacing requirements of subsection 36-483(1)(f), except that gravel driveways, vehicle parking, vehicle storage or maneuvering areas which existed prior to March 7, 1995, or which existed at the time the property served by such driveway, vehicle parking, vehicle storage or maneuvering areas were annexed into the city, may include similar materials as that used to gravel such driveway, vehicle parking, vehicle storage or maneuvering areas provided that:
1. There is a defined edge provided and maintained to contain the gravel material from migrating outside both the existing and expanded vehicular parking, vehicular storage or maneuvering areas into other areas of the yard;
 2. A permit is obtained for such modification from the director of building development services; and

3. Parking occurs only in the area permitted for vehicular parking, vehicle storage or maneuvering areas.
4. Demolition of the entire primary structure or any expansion of the primary structure more than 25% of the original structure footprint shall require any existing driveways, vehicle parking, vehicle storage, or maneuvering areas to meet the surfacing requirements.