

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   10    
Filed:   4-02-19  

Sponsored by:   Fisk  

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

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

COUNCIL BILL   2019- 075  

GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,'  
2 Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-  
3 409 – 'West College Street District,' and 'Division 5, Supplemental District  
4 Regulations,' Section 36-451, 'Home Occupations,' to remove inconsistencies  
5 with existing occupancy requirements. (Planning and Zoning Commission and  
6 Staff recommend approval.)  
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9 WHEREAS, certain amendments to the current Springfield City Code Chapter 36 are  
10 needed to address inconsistencies in the Code relating to unrelated persons occupying a  
11 dwelling; and  
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13 WHEREAS, Planning and Zoning Commission initiated these amendments on  
14 February 14, 2019; and  
15

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

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
20 SPRINGFIELD, MISSOURI, as follows, that:  
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22 Section 1 – Chapter 36 of the Springfield, Missouri City Code, 'Land Development  
23 Code', Article III, 'Zoning Regulations', Division 4, 'District Regulations' Section 36-409 –  
24 'West College Street District' and "Division 5, Supplemental District Regulations', Section  
25 36-451, 'Home Occupations' are hereby amended as follows:  
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27 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

28  
29 Sec. 36-409. - WC - West College Street district.  
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31 (3) *WC - 2, live/work sub-area.* Purpose. A live/work is a business conducted within a  
32 dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home  
33 occupation primarily in that a live/work use can include employees who are not  
34 residents of the home and involve a greater number of customers.  
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(b) *Permitted uses.*

10. Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Sec. 36-451. - Home occupations.

(3) *Home occupations permitted.* Home occupations include, but are not limited to, the following occupations:

(i) Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Section 2 – 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 accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – 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. City 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 4 – 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: , Assistant City Attorney

Approved for Council action: , City Manager

## **EXPLANATION TO COUNCIL BILL 2019 -075**

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-409 – 'West College Street District,' and 'Division 5, 'Supplemental District Regulations,' Section 36-451, 'Home Occupations,' to remove inconsistencies with existing occupancy requirements. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

### **ZONING ORDINANCE TEXT AMENDMENT – HOME OCCUPATION AMENDMENTS**

Planning and Zoning Commission initiated amendments to Sections 36-409 and 36-451 of the Zoning Ordinance on February 14, 2019.

The current ordinance states “Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.” Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling unit. Staff is recommending removing the “not exceeding three unrelated” persons language.

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 correct language that was recently added to the West College Street District and home occupation requirements that is inconsistent with the existing requirements.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 14, 2019, and recommended approval, by a vote of 8 to 0, of the proposed changes to the Zoning Ordinance.

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  
HOME OCCUPATION AMENDMENTS  
**Planning and Zoning Commission March 14, 2019**

Home Occupation Amendments  
Citywide  
**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to amend Home Occupation Amendments. Planning and Zoning Commission initiated amendments to Sections 36-409. and 36-451 of the Zoning Ordinance on February 14, 2019. Staff is proposing amendments to the Home Occupation section of the Zoning Ordinance to remove a discrepancy regarding the renting of sleeping rooms. The current ordinance states that...Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person. Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling.

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

Sec. 36-409. – WC – West College Street district.

(3) WC – 2, live/work sub-area. Purpose. A live/work is a business conducted within a dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home occupation primarily in that a live/work use can include employees who are not residents of the home and involve a greater number of customers.

(b) Permitted uses.

10. Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ and not exceeding three unrelated not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Sec. 36-451. – Home occupations.

(3) Home occupations permitted. Home occupations include, but are not limited to, the following occupations:

(i) Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ and not exceeding three unrelated not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

Mr. Jobe asked about the current interpretation of the “not exceeding three unrelated persons.”

Mr. Hosmer said that the changes would not allow more than 2 unrelated persons in a

sleeping room.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

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

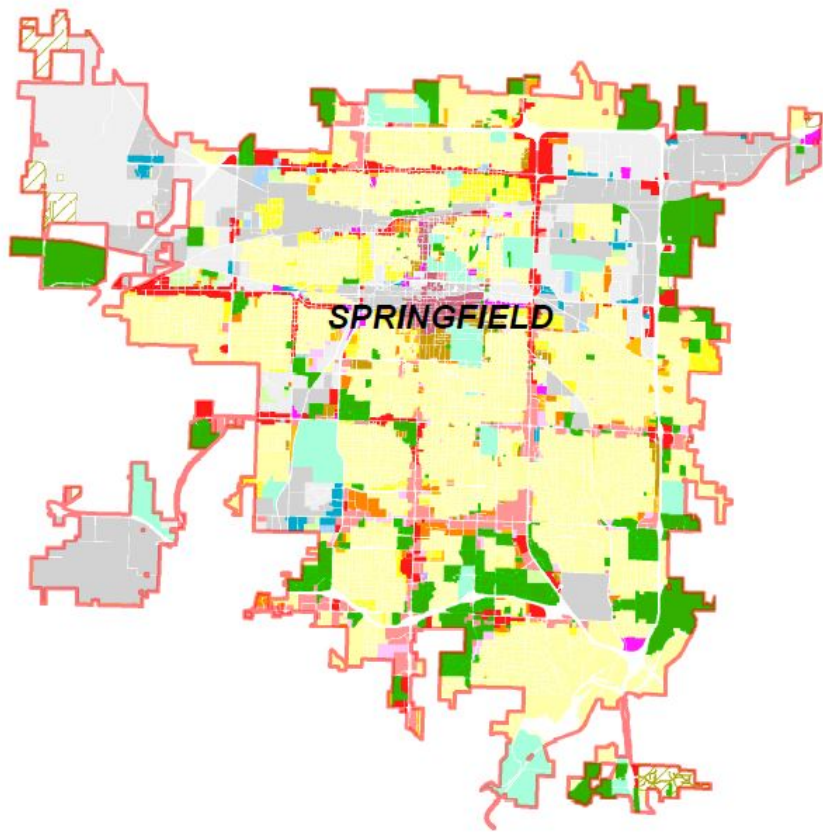


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Bob Hosmer, AICP  
Principal Planner

**Exhibit B**

**PLANNING AND ZONING COMMISSION PUBLIC HEARING:** MARCH 14, 2019  
**CITY COUNCIL PUBLIC HEARING:** APRIL 8, 2019



**CASE:**  
Home Occupation 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 Sections 36-409(3)(b), 'Permitted uses,' and 36-451(3), 'Home occupations permitted' of the Zoning Ordinance to consider removing language that is inconsistent with existing requirements.

**FINDINGS FOR STAFF RECOMMENDATION:**

1. The proposed amendment will correct language that was recently added to the West College Street District and home occupation requirements that is inconsistent with the existing requirements.

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## 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 AMENDMENT:

1. Planning and Zoning Commission initiated amendments to Sections 36-409. and 36-451 of the Zoning Ordinance on February 14, 2019.
2. The current ordinance states that...Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person. Staff believes this language is confusing and could be misinterpreted to allow more persons in a dwelling unit. Staff is recommending removing the “not exceeding three unrelated” persons language.
3. 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.

## STAFF COMMENTS:

Staff requests that 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 comments.

CITY UTILITIES COMMENTS:

No comments.

CLEAN WATER SERVICES DIVISION COMMENTS:

No objections to proposed language.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

There is no issue with stormwater for zoning amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed zoning text amendment.

## REQUIREMENTS FOR APPROVAL:

### Attachment 2

Note: Language to be removed is ~~stricken~~.

#### **Sec. 36-409. - WC - West College Street district.**

- (3) *WC - 2, live/work sub-area.* Purpose. A live/work is a business conducted within a dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home occupation primarily in that a live/work use can include employees who are not residents of the home and involve a greater number of customers.
- (b) *Permitted uses.*
10. Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.

#### **Sec. 36-451. - Home occupations.**

- (3) *Home occupations permitted.* Home occupations include, but are not limited to, the following occupations:
- (i) Renting sleeping rooms and serving meals to not more than two persons ~~(and not exceeding three unrelated)~~ not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.