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Filed: 11-21-17

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL 2017- 277

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, City Code, also known as the 'Land
2 Development Code', Article III, – 'Zoning Regulations,' Division 4, –
3 'District Regulations,' Sections 36-400, 36-420, 36-421, and 36-422
4 relating to location of residential uses in the Office, Limited Business,
5 General Retail, and Highway Commercial districts. (Planning and Zoning
6 Commission and staff recommend approval).
7
8

9 WHEREAS, the Zoning Ordinance currently requires that residential uses be
10 located above or behind nonresidential uses on all first-floor street frontages in certain
11 commercial zoning districts unless a conditional use permit is issued; and
12

13 WHEREAS, the Planning and Zoning Commission initiated amendments to the
14 nonresidential use requirement on street frontages at their meeting on October 5, 2017;
15 and
16

17 WHEREAS, the amendments in this Ordinance will modify the nonresidential use
18 requirement on street frontages to require non-residential uses on the first-floor of only
19 the highest classified street and to allow other adjacent street frontages to have
20 residential uses without obtaining a conditional use permit; and
21

22 WHEREAS, such amendment will allow more flexibility for residential uses in
23 mixed use developments that are adjacent to multiple street frontages.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 – Chapter 36 of the Springfield, Missouri City Code, known as the
29 'Land Development Code,' Article III. – 'Zoning Regulations,' Division 4. – 'District
30 Regulations,' is hereby amended as follows:
31

32 Note: Language to be added is underlined. Language to be deleted is ~~stricken~~.
33

34 Sec. 36-400. – O - Office districts.

35

36 (2) *Permitted uses.*

37

38 (r) Residential uses provided such uses are located above the first floor or behind
39 nonresidential uses so as to create a continuous nonresidential facade, on the first-floor
40 level ~~along all street frontages.~~ When a lot has multiple street frontages, first-floor non-
41 residential uses will be required on the street with the highest classification. All other
42 street frontages may contain residential uses.

43

44 Sec. 36-420. – LB - Limited business district.

45

46 (2) *Permitted uses.*

47

48 (l) Residential uses provided such uses are located above the first floor or behind
49 nonresidential uses so as to create a continuous nonresidential facade, on the first-floor
50 level ~~along all street frontages.~~ When a lot has multiple street frontages, first-floor non-
51 residential uses will be required on the street with the highest classification. All other
52 street frontages may contain residential uses.

53

54 Sec. 36-421. – GR - General retail district.

55

56 (2) *Permitted uses.*

57

58 (w) Residential uses provided such uses are located above the first floor or behind
59 nonresidential uses so as to create a continuous nonresidential facade, on the first-floor
60 level ~~along all street frontages.~~ When a lot has multiple street frontages, first-floor non-
61 residential uses will be required on the street with the highest classification. All other
62 street frontages may contain residential uses.

63

64 Sec. 36-422. – HC - Highway commercial district.

65

66 (2) *Permitted uses.*

67

68 (k) Residential uses provided such uses are located above the first floor or behind
69 nonresidential uses so as to create a continuous nonresidential facade, on the first-floor
70 level ~~along all street frontages.~~ When a lot has multiple street frontages, first-floor non-
71 residential uses will be required on the street with the highest classification. All other
72 street frontages may contain residential uses.

73

74 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
75 affect any suit or proceeding now pending in any court or any rights acquired or liability
76 incurred nor any cause or causes of action accrued or existing, under any act or
77 Ordinance repealed hereby, or shall any right or remedy of any character be lost,
78 impaired, or affected by this Ordinance.

79

EXPLANATION TO COUNCIL BILL 2017-277

FILED: 11-21-17

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Chapter 36 of the Springfield, City Code, also known as the 'Land Development Code', Article III, – 'Zoning Regulations,' Division 4, – 'District Regulations,' Sections 36-400, 36-420, 36-421, and 36-422 relating to location of residential uses in the Office, Limited Business, General Retail, and Highway Commercial districts. (Planning and Zoning Commission and staff recommend approval).

BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – RESIDENTIAL USES ABOVE AND BEHIND NON-RESIDENTIAL USES AMENDMENTS

The Zoning Ordinance currently requires that residential uses be located above or behind nonresidential uses on all first-floor street frontages in certain commercial zoning districts ("nonresidential use requirement on street frontages") unless a conditional use permit is issued.

Planning and Zoning Commission initiated amendments to the nonresidential use requirement on street frontages at their meeting on October 5, 2017.

Staff is requesting amendments to the Office, Limited Business, General Retail and Highway Commercial Districts in the Zoning Ordinance. The proposed amendments will modify the current ordinance that requires non-residential uses on all street frontages to require non-residential uses on the first-floor of only the highest classified street. Any other adjacent street frontages would be allowed to have residential uses without obtaining a conditional use permit. This will allow more flexibility for residential uses in mixed use developments that are adjacent to multiple street frontages.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Environmental Advisory Board ("EAB") and all registered neighborhood associations were notified of these amendments.

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.

2. This amendment will permit more flexibility in development of commercial areas while still requiring nonresidential uses on the highest classified street.

REMARKS:

The Planning and Zoning Commission held a public hearing on November 16, 2017, and recommended approval, by a vote of 8 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:



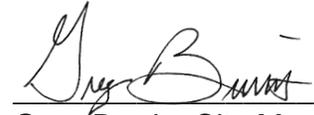
Daniel Neal, Senior Planner

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 Amendments

Exhibit A

RECORD OF PROCEEDINGS RESIDENTIAL USES ABOVE AND BEHIND NON-RESIDENTIAL AMENDMENTS Planning and Zoning Commission November 16, 2017

Residential Uses Above and Behind in Non-Residential Districts
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request amendment to modify the requirements for residential uses above and behind non-residential uses in a commercial district (O, LB, GR and HC).

The Zoning Ordinance currently requires that residential uses be located above or behind nonresidential uses on all street frontages in certain commercial zoning districts (“nonresidential use requirement on street frontages”) unless a conditional use permit is issued. This applies to existing permitted uses in the Office (O), Limited Business (LB), General Retail (GR) and Highway Commercial (HC) Districts. Staff is requesting amendments to the Zoning Ordinance to modify the current requirements for residential uses in a commercial district. The proposed amendments will modify the current ordinance that requires non-residential uses on all street frontages to require non-residential uses on the first-floor of only the highest classified street. Any other adjacent street frontages would be allowed to have residential uses without obtaining a conditional use permit. This will allow more flexibility for residential uses in mixed use developments that are adjacent to multiple street frontages. The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments and have made no objections to date. Staff recommends approval. Language is provided below.

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

Sec. 36-400. – O - Office districts.

(2) Permitted uses.

- (r) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level ~~along all street frontages~~. When a lot has multiple street frontages, first-floor non-residential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

Ms. Cox asked for assurance that we are not allowing residential uses on the main level on the highest classified street.

Mr. Hosmer stated that it is correct, but will be allowed to have residential along neighborhood streets.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Residential Uses Above and Behind in Non-Residential Districts (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

A handwritten signature in black ink, appearing to read "Bob Hosmer", enclosed in a thin black rectangular border.

Bob Hosmer, AICP
Principal Planner

Exhibit B

DEVELOPMENT REVIEW STAFF REPORT RESIDENTIAL USES ABOVE AND BEHIND NON-RESIDENTIAL AMENDMENTS

PURPOSE: To amend the permitted uses subsections in Sections 36-400., 36-420., 36-421. and 36-422., in the Zoning Ordinance to modify the requirement that residential uses may only be above and behind nonresidential uses on street frontages.

REPORT DATE: November 8, 2017

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.
2. This amendment will permit more flexibility in development of commercial areas while still requiring nonresidential uses on the highest classified street.

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. The Zoning Ordinance currently requires that residential uses be located above or behind nonresidential uses on all street frontages in certain commercial zoning districts (“nonresidential use requirement on street frontages”) unless a conditional use permit is issued.
2. Planning and Zoning Commission initiated amendments to the nonresidential use requirement on street frontages at their meeting on October 5, 2017. Staff is proposing to modify the street frontage requirements for residential uses above and behind non-residential uses in the Office, Limited Business, General Retail and Highway Commercial Districts.
3. The proposed amendments will modify the current ordinance that requires non-residential uses on all street frontages to require non-residential uses on the first-floor of only the highest classified street. Any other adjacent street frontages

would be allowed to have residential uses without obtaining a conditional use permit. This will allow more flexibility for residential uses in mixed use developments that are adjacent to multiple street frontages.

4. The Development Issues Input Group (DIIG), Downtown Springfield 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:

November 27, 2017

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
RESIDENTIAL USES ABOVE AND BEHIND NON-RESIDENTIAL AMENDMENTS
PROPOSED CHANGES TO ZONING ORDINANCE

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

Sec. 36-400. – O - Office districts.

(2) *Permitted uses.*

- (r) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level ~~along all street frontages~~. When a lot has multiple street frontages, first-floor non-residential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

Sec. 36-420. – LB - Limited business district.

(2) *Permitted uses.*

- (l) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level ~~along all street frontages~~. When a lot has multiple street frontages, first-floor non-residential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

Sec. 36-421. – GR - General retail district.

(2) *Permitted uses.*

- (w) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level ~~along all street frontages~~. When a lot has multiple street frontages, first-floor non-residential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

Sec. 36-422. – HC - Highway commercial district.

(2) *Permitted uses.*

- (kk) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level ~~along all street frontages~~. When a lot has multiple street frontages, first-floor non-residential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.