

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 03-20-18

Sponsored by: Prater

First Reading: _____

Second Reading: _____

COUNCIL BILL: 2018- 076

GENERAL ORDINANCE: _____

AN ORDINANCE

1 AMENDING Chapter 36 of the City Code, Article II, 'Subdivision Regulations,' Divisions
2 4, 'Requirements for Improvements, Reservation and Design,' by adding
3 thereto a new section 36-253; and amending Chapter 36, Article III,
4 'Zoning Regulations,' Divisions 5, 'Supplemental District Regulations,' by
5 adding thereto a new section 36-472, for the purpose of providing
6 additional flexibility for complying with the City's stream buffer and water
7 quality standards.

8
9

10 WHEREAS, stream buffers are vegetated areas which lie along streams which
11 protect water quality, provide flood control, reduce drainage issues, protect adjacent
12 properties from erosion, and provide connected open space for trails and wildlife
13 habitats; and

14

15 WHEREAS, the protection and maintenance of stream buffers are new
16 requirements of the "Flood Control and Water Quality Protection Manual," which was
17 adopted on December 11, 2017, by passage of General Ordinance 6415; and

18

19 WHEREAS, the addition of section 36-253 will require stream buffers to be
20 designated on plats submitted through the Subdivision process, so that staff is able to
21 review said plat for compliance with the "Flood Control and Water Quality Protection
22 Manual" and other Ordinances; and

23

24 WHEREAS, the addition of section 36-472 will provide more tools to assist
25 property owners and developers in developing their property while still preserving any
26 stream buffers which may exist on their property; and

27

28 WHEREAS, the Planning and Zoning Commission held a public hearing
29 regarding the amendments proposed by this Ordinance on February 15, 2018; and at
30 the close of the public hearing the Commission recommended approval of the proposed
31 amendments.

32

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

34 SPRINGFIELD, MISSOURI, as follows, that:

35

36 (Note: Language to be added is underlined and language being removed is ~~stricken~~

37

38 Section 1 – Springfield City Code, Chapter 36, Article II, ‘Subdivision
39 Regulations,’ Divisions 4, ‘Requirements for Improvements, Reservation and Design,’ is
40 hereby amended to read as follows:

41

42 Sec. 36-253. – Stream Buffers.

43

44 (1) A Stream Buffer Area shall be designated on any replat, preliminary plat or final
45 plat in accordance with Chapter 96, Article 1, Division 4.

46

47 Section 2 – Springfield City Code, Chapter 36, Article III, ‘Zoning Regulations,’
48 Divisions 5, ‘Supplemental District Regulations,’ is hereby amended by adding a new
49 section to read as follows:

50

51 Sec. 36-472. – Stream Buffers.

52

53 (1) In the event the minimum requirements of Chapter 96 stream buffer or water
54 quality standards are infeasible on a proposed site plan without reducing parking
55 below the minimum requirement or increasing maximum building height, the lot
56 will be considered conforming if approved by the Administrative Review
57 Committee (“ARC”) using the following design requirements. Stream buffers may
58 be used or substituted for open space and/or bufferyards when they exist in the
59 same location as approved by ARC and in conformity with Chapter 96 stream
60 buffer standards.

61

62 (a) Design requirements.

63

64 1. The height of buildings may be increased above maximum height
65 restrictions for the district provided it does not exceed any required
66 bulk plane restriction. The height may be increased in direct
67 proportion to the area that is being used for the stream buffer.

68

69 2. An off-street parking requirement reduction may be allowed up to 20
70 percent. The off-street parking can be decreased in direct proportion
71 to the area that is being used for the stream buffer.

72

73 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to
74 affect any suit or proceeding now pending in any court or any rights acquired or liability
75 incurred nor any cause or causes of action occurred or existing, under any act or
76 ordinance repealed hereby.

77

78 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or
79 phrase of this Ordinance is for any reason held to be invalid, such decision shall not

80 affect the validity of the remaining portions of this Ordinance. The Council hereby
81 declares that it would have adopted the Ordinance and each section, subsection,
82 sentence, clause or phrase thereof, irrespective of the fact that any one or more
83 sections, subsections, sentences, clauses, or phrases be declared invalid.

84

85 Section 5 – This Ordinance shall be in full force and effect from and after
86 passage.

87

88 Passed at meeting: _____

89

90 _____

91

Mayor

92

93 Attest: _____, City Clerk

94

95 Filed as Ordinance: _____

96

97 Approved as to form: *A. Charles J. Wiedner*, Assistant City Attorney

98

99 Approved for Council action: *Gregory B. Bunt*, City Manager

EXPLANATION TO COUNCIL BILL 2018-076

FILED: 03-20-18

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To amend Chapter 36 of the City Code, Article II, 'Subdivision Regulations,' Divisions 4, 'Requirements for Improvements, Reservation and Design,' by adding thereto a new section 36-253; and amending Chapter 36, Article III, 'Zoning Regulations,' Divisions 5, 'Supplemental District Regulations,' by adding thereto a new section 36-472, for the purpose of providing additional flexibility for complying with the City's stream buffer and water quality standards.

BACKGROUND INFORMATION: Stream buffers are vegetated areas along streams that protect water quality, provide flood control, reduce drainage problems, protect adjacent properties from erosion, and provide connected open space for trails and wildlife habitat. Stream buffers are a requirement created by the recently adopted *Flood Control and Water Quality Protection Manual*. The proposed amendments to the Subdivision Regulations will require stream buffers to be shown on plats for consistency with the adopted manual. Several options are presented in the *Flood Control and Water Quality Protection Manual* that allow flexibility in meeting the stream buffer requirements such as buffer width averaging, buffer reforestation in exchange for buffer encroachment, and a fee-in-lieu of the stream buffer. The proposed Zoning Ordinance text amendments will provide more tools to assist the property owner in developing the property while still preserving stream buffers by allowing them the option of proposing and seeking Administrative Review Committee ("ARC") approval to increase building height, decrease parking, and/or utilize the stream buffer as open space or a bufferyard. These changes were submitted to the Development Issues Input Group ("DIIG") and Springfield Contractors Association ("SCA") for comments. No comments were received.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 8, Natural Environment; Major Goal 16, Maintain or restore the pre-development hydrology of our watersheds and protect our waterways from pollution; Objective 16d, Riparian Corridor Restoration – Stabilize stream bank erosion and restore riparian corridors using geomorphic and bioengineering approaches and native plants.

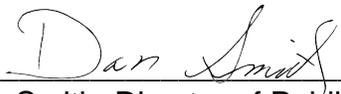
REMARKS: The Planning and Zoning Commission held a public hearing on February 15, 2018, and recommended approval, by a vote of 5 to 0, of the proposed text amendment (see "Exhibit A" Record of Proceedings).

Public Works recommends approval of this Council bill.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Greg Burris, City Manager

Exhibit A

**RECORD OF PROCEEDINGS
Planning and Zoning Commission February 15, 2018**

Stream Buffer Zoning Flexibility Amendments
Citywide

Applicant: City of Springfield – Public Works & Environmental Services

Mr. Hosmer stated that this will be presented by Chris Dunnaway, Public Works and Carrie Lamb, Environmental Services.

Stream buffers were adopted into the City standards in December 2017. Stream buffers improve water quality and reserve the natural flood plain. This bill will require stream buffers to be shown on plats during the subdivision process and will amend the zoning ordinance to allow an increase in building height or a reduction in parking if approved by the administrative review committee (ARC) to provide a means of preserving the stream buffer and maximizing the development of the property.

The language to be added is underlined, language to be deleted is ~~stricken~~.

Chapter 36, Article II., Subdivision Regulations

Sec. 36-253. – Stream Buffers.

(1) A Stream Buffer Area shall be designated on any replat, preliminary plat or final plat in accordance with Chapter 96, Article 1, Division 4.

Chapter 36, Article III., Zoning Ordinance

Sec. 36-472. – Stream Buffers.

(1) In the event the minimum requirements of the Chapter 96 stream buffer or water quality standards are infeasible on a proposed site plan without reducing parking below the minimum requirement or increasing maximum building height, the lot will be considered conforming if approved by the Administrative Review Committee (ARC) using the following design requirements. Stream buffers may be used or substituted for open space and/or bufferyards when they exist in the same location as approved by ARC and in conformity with Chapter 96 stream buffer standards.

(a) Design requirements.

1. The height of buildings may be increased above maximum height restrictions for the district provided it does not exceed any required bulk plane restriction. The height may be increased in direct proportion to the area that is being used for the stream buffer.

2. An off-street parking requirement reduction may be allowed up to 20 percent. The off-street parking can be decreased in direct proportion to the area that is being used for the stream buffer.

Examples:

Area equivalent used to increase floor area (building height) or reduce parking up to 20% or
Used as bufferyards, open space etc., if in the right areas.

Ms. Cox asked about the parking lot and what this may entail.

Mr. Hosmer noted that if a site plan has a parking lot or building that is encroaching on a stream buffer then it would be allowed to use the equivalent area to either build up or eliminate the parking spaces in the bufferyard, allowing them flexibility.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** Stream Buffer Zoning Flexibility Amendments (Citywide). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

A handwritten signature in black ink, appearing to read "Bob Hosmer", is contained within a rectangular box. The signature is fluid and cursive.

Bob Hosmer, AICP
Principal Planner

Exhibit B

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

Chapter 36, Article II., Subdivision Regulations

Sec. 36-253. – Stream Buffers.

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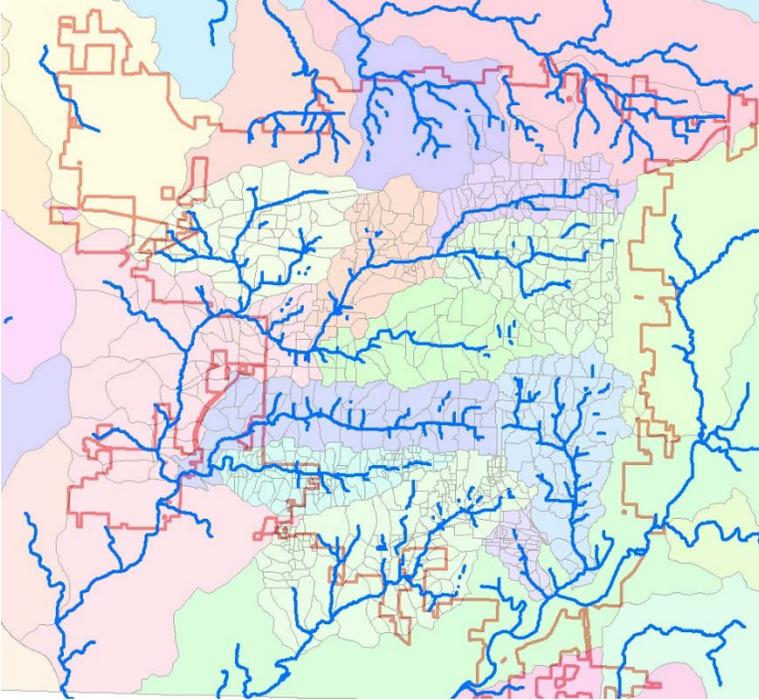
1. The height of buildings may be increased above maximum height restrictions for the district provided it does not exceed any required bulk plane restriction. The height may be increased in direct proportion to the area that is being used for the stream buffer.
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Exhibit C

PLANNING AND ZONING COMMISSION PUBLIC HEARING: FEBRUARY 15, 2018

CITY COUNCIL PUBLIC HEARING:

MARCH 12, 2018



CASE:

Stream Buffer Zoning Flexibility Amendments

STAFF:

Chris Dunnaway, 864-1876
Carrie Lamb, 864-1996

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the proposed amendments to the Subdivision Regulations and the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. To amend Division 4 of the Subdivision Regulations by adding Section 36-253 for designating stream buffers on a plat.
2. To amend Division 5 of the Zoning Ordinance by adding Section 36-472 to provide additional flexibilities for meeting stream buffer or water quality standards.

FINDINGS FOR STAFF RECOMMENDATION:

1. Stream buffers are vegetated areas along streams that protect water quality, provide flood control, reduce drainage problems, protect adjacent properties from erosion, and provide connected open space for trails and wildlife habitat. Stream buffers are a new requirement as part of the recently adopted *Flood Control and Water Quality Protection Manual* and must be recorded in a stream buffer easement or designated on a final plat.
2. In certain instances, preserving stream buffers may make it difficult to develop a property. Several mitigation options are presented in the *Flood Control and Water Quality Protection Manual* such as buffer width averaging, buffer reforestation in exchange for buffer encroachment, and a fee-in-lieu of the stream buffer. The proposed Zoning Ordinance and Subdivision text amendments will provide more tools to assist the property owner in developing the property while still preserving stream buffers by allowing them to propose and seek ARC approval to increase building height, decrease parking, and/or utilize the stream buffer as open space or a bufferyard.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The need to protect streams and riparian corridors is consistent with the Parks, Open Space, and Greenways Plan Element of the City's *Comprehensive Plan* and is identified in chapters 8 and 13 in the City's *Field Guide 2030*. Preserving stream corridors protects water quality which is important for the local tourism-based economy and attraction of businesses and professionals. Preservation of streams and riparian corridors as greenways has also been shown to increase property values. Stream buffer requirements are a water quality protection strategy included in the City's federally-mandated Municipal Separate Storm Sewer System (MS4) permit. In addition, several of the streams within the city are listed as impaired for not meeting the state's water quality standards. Through its Integrated Plan for the Environment, the City is working with the state to address these impairments and has identified preservation of riparian corridors as part of the strategy to address these impairments.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. Staff is requesting amendments to the Subdivision Regulations to add a new subsection for consistency with the *Flood Control and Water Quality Protection Manual* to require stream buffers to be shown on plats.
2. Staff is also requesting amendments to the Zoning Ordinance to add a new subsection that will provide flexibility, if needed, in meeting zoning requirements for parking, building heights, and bufferyards when there are stream buffer and water quality requirements. Requests for flexibility in meeting these zoning requirements would be subject to the approval of the Administrative Review Committee (ARC). The new subsection requested for initiation is one of several flexibilities and options being proposed in the stream buffer requirements to minimize potential adverse impacts on the development yield of the property.

STAFF COMMENTS:

City staff has worked for over two years educating and soliciting feedback from members of the development community to update and adopt the *Flood Control and Water Quality Protection Manual*. Representatives from Development Issues Input Group (DIIG), Springfield Contractor's Association (SCA), Missouri Society of Professional Engineers (MSPE), Professional Engineers in Private Practice (PEPP), Watershed Committee of the Ozarks (WCO), James River Basin Partnership (JRBP), City Utilities, Greene County, and the Environmental Advisory Board (EAB) attended the various meetings and provided feedback.

Once all concerns were addressed, staff went before the Plans and Policies Committee meeting in August, where Deputy City Manager Tim Smith spoke briefly about the importance of stormwater management for our community. City Council adopted The *Flood Control and Water Quality Protection Manual* in December 2017.

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

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG) and Springfield Contractor's Association (SCA) were notified of these amendments and public hearing dates.

ATTACHMENT 1
DEPARTMENT COMMENTS

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CLEAN WATER SERVICES COMMENTS:

No impact on public sewer.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic would like to be included/weigh-in on any ARC rulings that pertain to this zoning text amendment.

PUBLIC WORKS STORMWATER COMMENTS:

Stormwater supports the amendment.

SEDIMENT AND EROSION CONTROL COMMENTS:

Water Quality supports the amendment.

PLANNING AND ZONING COMMENTS:

No comments.

REQUIREMENTS FOR APPROVAL:

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Chapter 36, Article II., Subdivision Regulations

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